

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., February 7, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Vice Chairman, District 3 (Acting Chairman for this meeting); Don Stapley, District 2, and Max W. Wilson, District 4. Absent: Fulton Brock, Chairman, District 1 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; Sandi Wilson, Deputy County Manager; Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**INVOCATION**

John Hauskins, Maricopa County Department of Transportation, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Shane Wikfors, Clerk of the Board's Office, led the assemblage in the Pledge of Allegiance.

**PET OF THE MONTH**

Introduction of Spike, "Pet of the Month", by Dr. Silva from Maricopa County Animal Care & Control. Dr. Silva said that Spike is a very active 3-month old German Shepherd mix puppy found as a stray in south Phoenix. He said that Spike is a wonderful, loving puppy that needs a family who can give him a lot of attention and can accept the challenges of raising an active puppy.

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Pursuant to A.R.S. §4-201, Chairman Kunasek called for a public hearing on the following liquor license applications. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson and seconded by Supervisor Stapley to recommend approval of the following liquor license applications:

- a. Application filed by Donald A. Rogers for a Special Event Liquor License: (F23221) (SELL767)

Business Name:	Knights of Columbus, Council 11809
Location:	14818 W. Deer Valley Drive, Sun City West, AZ 85375
Date/Time:	March 15, 2007, 11:00 am to 4:00 pm

- b. Application filed by Mann David Starr for a Special Event Liquor License: (F23221) (SELL769)

Business Name:	Kiwanis Club of New River
Location:	48606 N. 17 <sup>th</sup> Avenue, New River AZ 85086
Date/Time:	February 24 and 25, 2007

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

- c. Application No. 06070324 filed by Guy Harry Shelander for a Person-to-person Transfer of a Series 6 Liquor License from Daniel Charles Budzius (MCLL6216):

Business Name: Anthem Golf & Country Club  
Location: 2708 W. Anthem Club Drive, Anthem AZ 85086

- d. Application No. 10075329 filed by Monica Ruth Schuster for an Agent Change, Series 6 Liquor License (MCLL014AC):

Business Name: Lake Apache Marina & Resort  
Location: State Route, US Hwy 88, Mile Marker 229.5, Roosevelt AZ 85545  
Previous Agent: John David Schuster

- e. Application filed by Randy D. Nations for a New Series 10 Liquor License: (MCLL6217)

Business Name: Tesco  
Location: 9124 East Apache Trail, Mesa AZ 85207

**(Approval is contingent upon receipt of a Tenant Improvement Permit and sale and/or service of alcohol is subject to final issuance of Certificate of Occupancy)**  
**(Protest has been filed by a citizen.)**

Motion carried by majority vote (3-0-2) with Supervisors Stapley, Kunasek, and Wilson voting "aye," there were no "nay" votes. Chairman Brock and Supervisor Wilcox were absent this meeting.

**PUBLIC HEARING – AGUILA WATER SERVICES FRANCHISE RENEWAL**

Pursuant to A.R.S. §40-283, Chairman Kunasek called a public hearing to solicit comments and consider the application filed by Aguila Water Services for a public service franchise renewal for a domestic water distribution system. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve this public service franchise renewal. The hearing considered whether the applicant was able to adequately maintain facilities in county rights-of-way. The franchise was granted with such conditions and restrictions the Board of Supervisors deemed best for public safety and welfare including the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months of approval by the Board and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. The Franchisee shall bear all expenses relating to the granted franchise including damage and compensation for any alteration of the direction, surface, grade or alignment of any county road for the purpose of the franchise. This hearing was continued from the January 17, 2007 Board meeting. (F16180)

**RESOLUTION**

**WHEREAS**, Aguila Water Services, hereinafter designated as the Grantee, doing business in Maricopa County, Arizona, bearing date of November 25, 2006, praying for the right, privilege, license and franchise to construct, maintain and operate an existing domestic water distribution system consisting of pipe lines, meters, connections and all necessary equipment for a period not to exceed twenty-five (25) years or for a period of one (1) year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, for the supplying of this service, along, upon, under and across public highways, roads, alleys

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

and thoroughfares (excepting State Highways), within that portion of Maricopa County, Arizona, known and described as follows, to-wit:

Town of Aguila, which is located in Sections 9, 10, 11, 13, 14, 15, 16, 21, 22, 23, 24 and Sections 26 and 27, Range 9 West, Township 7 North, G&SRB&M, in Maricopa County, Arizona, and not within the confines of any incorporated city or town, and under such restrictions and limitations and upon such terms as the Board of Supervisors may provide, not inconsistent with the laws of the State of Arizona, or the orders and rules of the Corporation commission of the State of Arizona, and that the Board take such proceedings herein as is provided by laws of the State of Arizona; and

**WHEREAS**, upon filing said application, the said Board of Supervisors on December 20, 2006 ordered that public notice of the intention of said Board to make such grants be given by publishing a notice in the official newspaper of Maricopa County, published in the County of Maricopa, State of Arizona, and that 9:00 a.m., on the January 17, 2007, at the meeting room of said Board of Supervisors located at 205 West Jefferson Street, in the City of Phoenix, Arizona, be set as the time and place of hearing the said application; and

**WHEREAS**, on January 17, 2007, the Board of Supervisors continued the hearing until February 7, 2007, at the meeting room of said Board of Supervisors located at 205 West Jefferson Street, in the City of Phoenix, Arizona; and

**WHEREAS**, the said application coming on regularly for hearing on said day and it appearing by the affidavit of the duly authorized agent of the said time and place set for the consideration of such application has been published for at least once a week for the three-week period prior to said date set forth herein, to-wit:

In the issues of the said newspaper on December 28, 2006, January 4, 2007, and January 11, 2007, and it appearing that no sufficient protest has been filed by the qualified electors of the said County petitioning said Board of Supervisors to deny such license and franchise, and it further appearing the best interests of Maricopa County will be served by the granting of said application and the franchise referred to therein;

**NOW, THEREFORE**, the Board of Supervisors of Maricopa County, State of Arizona, acting on behalf of said County does hereby grant unto Aguila Water Services, doing business in Maricopa County, Arizona, subject to the terms, conditions and limitations hereinafter contained, the right, privilege, license and franchise to construct, maintain and operate an existing domestic water distribution system, for a period of not to exceed twenty-five (25) years or for a period of one (1) year after the franchised area is annexed by a municipality, whichever is shorter, for the supplying of this service along, upon, under and across the public highways, roads, alleys and thoroughfares (excepting State highways) within that portion of Maricopa County, Arizona, hereinabove described, under such restrictions and limitations and upon such terms as this Board at any time may provided, not inconsistent with the laws of the State of Arizona, or the orders and rules of the Corporation Commission of the State of Arizona, specifically providing, however, that:

- 1) All rights hereunder are granted under the express condition that the Board of Supervisors of said Maricopa County shall have the power at any time to impose such restrictions and limitations and to make such regulations on such highways, roads, and thoroughfares as may be deemed best for the public safety, health, welfare and convenience.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

- 2) All rights hereby granted shall be exercised so as to not interfere or conflict with any easements or rights-of-way heretofore granted by said Board of Supervisors and now in force.
- 3) All rights hereby granted shall be exercised so as not to interfere or conflict with any easement, either public or private, of whatsoever nature, which has been acquired in or to the proper use of said highway, roads, and thoroughfares, or any portion thereof.
- 4) All rights hereby granted shall be exercised so as not to interfere or conflict with or endanger in any way the proper use by the public of said highways, roads, and thoroughfares, or any portion thereof.
- 5) That the said Grantee shall bear all expenses incurred including damages and compensation for the alteration of the course, direction, surface, grade or alignment of any of the said highways, roads and thoroughfares necessarily made by the said grantee for the purpose of this franchise; that said grantee will maintain his equipment from time to time as may be needed, without the necessity of notice from Maricopa County. In the event the said grantee shall fail to make any repairs within ten days from the time same becomes necessary, then Maricopa County may cause the same to be made, and said grantee agrees to pay Maricopa County the cost thereof.
- 6) That all property of the franchise be installed and operated by the said grantee and shall be placed, removed or relocated, initially and throughout the term of this franchise, along, in, over, under and across the said highway, roads and thoroughfares, in such a manner and location as the Board of Supervisors or its duly authorized agents may designate. Such placement, removal or relocation shall be done at the sole expense of the grantee upon a determination by the Board of Supervisors of Maricopa County that such placement, removal or relocation is necessary.

If the grantee fails or refuses to so remove or relocate, Maricopa County may so remove or relocate, at the sole expense of grantee, such expense to include any and all damages and compensation of whatsoever nature arising therefrom.

In this section the term "property" includes conduits, pipe, wires, poles, or other structures and appliances used to supply or deal in gas, electricity, lights, water, heat, refrigeration, power, telephones, telegraph, television and other public utilities.

Any finding or determination made by the Board of Supervisors pursuant hereto shall be final and binding upon the grantee whether or not such findings or determinations relates to the requirements of public safety or welfare, the use of public roads or the need for proposed improvements, and whether or not the function to be served by such removal or relocation is of a governmental or proprietary nature.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

- 7) That said grantee shall indemnify and save harmless, the said County of Maricopa from all costs, expense and liabilities in connection with the granting of this franchise and exercise of the same by them.
- 8) That the rights of any person claiming to be injured in any manner by the maintenance of said projects and equipment shall not be affected hereby.
- 9) That the terms and conditions of this franchise shall inure to the benefit of, and be binding upon, all the heirs and assigns of the said Grantee.
- 10) That the franchise and privilege herein granted shall not be deemed to be exclusive and the said Board of Supervisors hereby expressly reserves the right and power to grant from time to time similar franchises and privileges over the same territory and highways, roads and thoroughfares.
- 11) This franchise is granted upon the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona and proof thereof submitted to the Board of Supervisors within six months from the date of granting of this franchise; and if such Certificate is not granted within six months from said date, then this franchise to be void, otherwise to be in full force and effect for the time herein specified.
- 12) That no facilities shall be installed until the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona and such Certificate has been delivered to the Board of Supervisors.
- 13) That no facilities shall be installed until the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona and such Certificate has been delivered to the Board of Supervisors.
- 14) This franchise is granted upon the express condition that all of the Property Tax obligations of the franchisee shall remain current and if such taxes are not current, then this franchise extension is deemed void.
- 15) All materials and construction methods used with the public right-of-way shall conform to the applicable standards, specifications and special provisions currently in effect in Maricopa County.
- 16) The Franchise holder shall obtain a construction permit from the Office of the County Engineer prior to construction of any facilities in the public right-of-way.

**DATED** this 7<sup>th</sup> day of February 2007.

/s/ Andy Kunasek, Acting Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**PUBLIC HEARING - ROAD DECLARED ROAD FILE NO. 4473-R**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) that the following resolution be adopted:

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 2<sup>nd</sup> day of January, 2007, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

Strip No. 1: COMMENCING at the Northwest corner of said Section 32, also being the Southwest corner of said Section 29; Thence Easterly along the South line of said Section 29 to a point from which the Southeast corner of said Section bears South 89°37'46" East a distance of 760.42 feet said point also being a Point of Curvature of a Tangent curve to the left having a central angle of 38°32'19" and a radius of 945.65 feet; Thence Northeasterly along said curve an arc distance of 642.12 feet to a point called "A" (for the purpose of this description only) and from which the Southeast corner of said Section bears South 38°10'05" East a distance of 265.84 feet; Thence continuing Northeasterly along said curve having a central angle of 08°27'25" and a radius of 954.65 feet an arc distance of 140.91 feet to the Point of Tangency; Thence North 43°22'30" East a distance of 90.62 feet to a point on the East line of said Section 29 from which the Southeast corner of said Section bears South 00°17'50" West a distance of 369.79 feet; Thence continuing North 43°22'30" East through said Section 28 to the Southwesterly right-of-way line of Interstate 60 and 89, also known as Phoenix-Wickenburg Highway, said point also being the terminus of the herein described centerline.

Strip No. 2: Commencing at the aforementioned Point "A"; Thence South 38°10'05" East a distance of 29.76 feet to a Point of Curvature of a tangent curve to the right having a central angle of 18°02'29" and a radius of 676.70 feet; Thence Southwesterly along said curve an arc distance of 212.20 feet to the point on the North line of said Section 32 from which the Northeast corner of said Section bears South 89°37'46" East a distance of 42.54 feet; Thence continuing Southwesterly along said curve having a central angle of 20°25'26" and a radius of 676.70 feet, an arc distance of 241.22 feet to the Point of Tangency said point being on the East line of said Section 32 from which the Northeast corner of said Section bears North 00°17'50" East a distance of 236.09 feet; Thence South 00°17'50" West along said East line to the Southeast corner of said Section 32, also being the Southwest corner of said Section 33 and the Terminus of the herein described centerline.

(Said alignments are also known as Patton Road from Tuthill Road (203rd Avenue) to Phoenix-Wickenburg Highway and 195th Avenue from Jomax Road to Patton Road.)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 7<sup>th</sup> day of February 2007.

/s/ Andy Kunasek, Acting Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**BOUNDARY CHANGE**

Pursuant to A.R.S. §§48-3427, motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the application for boundary change as submitted by the Board of Directors of the Circle G Irrigation Water Delivery District No. 47 and order the exclusion of one parcel from the district. The boundary change will exclude parcel 304-76-005U from the district. The application has been signed by a majority of the Board of Trustees and by the owners of the land proposed to be excluded. The boundary change application is on file in the office of the Clerk of the Board. (C0607061700) (ADM4384-002)

**GRANT FUNDS FROM UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, SOUTHWEST BORDER INITIATIVE PROGRAM**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the on-going application for and acceptance of grant funds from the United States Department of Justice, Bureau of Justice Assistance, Southwest Border Initiative Program, in the amount of \$460,288. These funds are for cases prosecuted by the Maricopa County Attorney's Office that were investigated by federal law enforcement agencies and the U. S. Attorney's Office declined to prosecute. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 13.82%. The non-recoverable indirect cost of administering this grant is \$63,611.80. However, since these cases have already been prosecuted, there are no indirect costs to accepting the grant money. The federal government has funded this program for the period of October 1, 2006 through September 30, 2007, in accordance with Public Law 108-447. Continuing electronic applications for reimbursement are made on a quarter by quarter basis. These funds were included as part of the County Attorney (190) Grant Fund (219) budget for FY 2006-2007 and, therefore, no appropriation adjustment is

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

required. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. (C1905001801)

**CONTRACT WITH ADRIANA FRIAS**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve a contract with Adriana Frias to gather and collect evidence, conduct forensic interviews, provide courtroom testimony and otherwise assist the Maricopa County Attorney's Office in the investigation and prosecution of sexual assaults or sexual abuse matters involving minors. The contract term is from the date of Board approval until December 31, 2008. Adriana Frias will be reimbursed \$300 per interviewee per case for interviews and \$120 per hour for expert testimony. This contract is exempt from the Procurement Code by virtue of MCI 102(B). (C1907025100)

**LEASE AGREEMENT – WORD OF GRACE MINISTRIES**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve a lease agreement between Word of Grace Ministries, Inc. and the Maricopa County Attorney's Office to lease a facility on March 10, 2007 for \$500 so the Maricopa County Attorney's Office can provide educational seminars on crime prevention. The Maricopa County Attorney's Office will be hosting educational seminars for community minded people in the east valley. The seminars will be coordinated with law enforcement officials from neighboring cities and towns. (C1907028400)

**LEASE AMENDMENT - USE OF OFFICE SPACE**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Amendment No. 2 of Lease No. L7226 for continued use of 12,520 square feet of office space at a site in Phoenix to house the Sheriff's Special Investigations Unit. The term of this lease is extended for an additional five years, from July 1, 2007, through June 30, 2012, at a first year rental cost of \$182,080 (\$14.54/sf +2.4 % rental tax) and a 3% annual increase thereafter. As a condition of the lease renewal, lessor will perform at no cost to the lessee:

- Repair garage door and raise ceiling in warehouse to accommodate vans
- Relocate thermostats to provide control for affected areas and re-balance air flow
- Re-stripe rear parking lot to provide more parking spaces
- Trim or remove trees to prevent damage to parked cars in south lot
- Provide additional lighting for exterior of building
- Provide electrical whips to new cubicles
- Pay outstanding bill for additional wiring to the break room

Building improvements listed above comprise a portion of the annual increase. (C5000041403V)

**VEHICLE REMOVAL FROM FLEET**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve removal from fleet and return to the Department of Defense vehicle #47401, VIN #1R9RSNS48EF005009, 1984 Revcon Model 300 Recreational Vehicle. This vehicle was approved as a one-time addition to fleet on January 18, 2006, at no cost to the County or Sheriff's Office for its acquisition. The operating condition of this vehicle was overestimated. The vehicle is no longer running and is too costly for the Sheriff's Office to repair. (C5006038M01) (ADM3104-001)

**FORMAL SESSION**  
**February 7, 2007**

**AMENDMENT TO POLICE DISPATCH COMMUNICATION SERVICES**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Amendment No. 1 to agenda item C5007034200, approved on November 15, 2006, relating to Police Dispatch Communication Services. The amendment will be to the Sheriff's Office FY 2006-07 General Fund (100) revenue appropriation in the amount of \$70,861 (\$40,118 annualized) and expenditure appropriation in the amount of \$70,861 (\$40,118 annualized). In addition, pursuant to A.R.S. §42-17106, transfer FY 2006-07 expenditure appropriation in the amount of \$80,279 from General Government (470) General Fund (Fund 100) General Contingency (4711) to the Sheriff's Office (500) General Fund (Fund 100). All other terms and language remains the same. (C5007034201)

**ONE-TIME ADDITION TO FLEET**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve a one-time addition to fleet of one RICO-funded 2005 Ford F-350 pick up (VIN#1FTSW31F76EA83789) that has 80,000 miles, and is valued at \$16,515 for use by the Sheriff's Office Aviation Unit. The annual estimated operating cost is \$2,500, which will be supported with RICO funds. This is a one-time addition to fleet not to be added to the County's vehicle replacement pool. This vehicle will automatically be removed from Maricopa County Sheriff's Office fleet when its useful life has expired. (C5007052M00) (ADM3104)

**DONATIONS**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the following:

- a. The acceptance of a donation for \$500 to the Sheriff's Office from Tom Morwood for use by the Maricopa County Sheriff's Office Animal Safe Hospice (MASH) Unit. (C5007053M00) (ADM3900)
- b. Accept the donation to the Sheriff's Office of 40 Armor Piercing ballistic panels from Armor Holdings, a local Department of Defense contractor, with an approximate value of \$1,000 each to be used in the Enforcement Support Bureau by S.W.A.T. (C5007056M00) (ADM3900)

**SALE OF RADIOS**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the sale of 339 Sheriff's Radios that are being replaced to the Maricopa County Sheriff's Posse of the Enforcement Support Division for \$1.00. These include 126 mobile (vehicle mounted) radios and 213 portable (hand held) radios, in the consideration of \$1.00. These radios are insufficient for everyday police use but would be helpful to linking communications with the Posse. The anticipated aggregate value at auction for these units is approximately \$500. (C5007054M00) (ADM119)

**RENEWAL OF DEEP UNDERCOVER REGISTRATION AND EXEMPTION FROM MARKINGS**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve renewal of deep undercover registration and exemption from markings, including non-

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

government license plate per A.R.S. §38-538.03, for a Sheriff's RICO vehicle that is used for conducting investigations into major felonies, narcotics operations, and organized crime activity throughout Maricopa County. (C5007057M00) (ADM3101V)

**AGREEMENT FOR SPECIALIZED TRAINING**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve a Memorandum of Agreement between the United States Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security and Maricopa County that authorizes up to a maximum of 160 Sheriff's personnel to be nominated, trained, and certified to perform certain functions that expedites the apprehension of criminals and enhances homeland security. ICE will provide the mandatory four to five week training for these personnel. This is a non-financial agreement that takes effect from the date of signing until it is terminated upon notice by either party. (C5007058200)

Supervisor Stapley stated that the Sheriff is very supportive of this item. Supervisor Stapley commented that this is a significant step towards moving the responsibility of immigration control back to the federal government.

**PURCHASE AND ADDITION TO FLEET - TWO MID-SIZE SEDANS**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the purchase and addition to the Maricopa County Fleet of two mid-size sedans at an estimated cost of \$40,000, plus annual estimated operating and maintenance costs of \$14,000. These vehicles will be purchased with Detention Operations Fund (255) within the current FY 2006-07 expenditure appropriations. Future replacement of the vehicles will be made from the Detention Operations Fund. (C2707013M00) (ADM3104)

**AMENDMENT TO THE APPOINTMENT OF RETIRED SUPERIOR COURT JUDGES**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve Amendment No. 1 to agenda item C38070187 related to the appointment of retired Superior Court Judges Robert Gottsfeld and Bernard Dougherty as Superior Court Judges Pro Tempore retroactive for the period from January 17, 2007 through December 31, 2007, to serve in the various programs in the Superior Courts to reduce trial delay. This item was previously approved by the Board on January 17, 2007, and is amended to reflect that Retired Superior Court Judges Robert Gottsfeld and Bernard Dougherty would serve as Judges Pro Tempore compensated at the level of Judges Pro Tem. (C3807018701) (ADM1001)

**REINSTATE FMLA HOURS**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the waiver of Employee Merit Rules 1.15 and 5.02(D) to reinstate 877 hours of Family and Medical Leave Act (FMLA) time to current Maricopa County employee, Richard Sinsabaugh, effective upon Board approval. (C5507001M00) (ADM3321-001)

**ADDITIONAL STAFF, OPERATIONAL SUPPLIES, AND OFFICE EQUIPMENT**

Pursuant to A.R.S. §42-17106B, motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the authorization to transfer expenditure authority of

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

\$167,771 (annualized \$403,620) from General Government (470) General Fund (100) Unreserved Contingency (4711) to Office of the Medical Examiner (290) General Fund (100) to fund six Investigators and one Forensic Chemist; related operational supplies; and office equipment. Approval of this item will require an appropriation adjustment increasing the Office of the Medical Examiner (290) General Fund (100) expenditure budget by \$167,771 and decreasing the General Government (470) General Fund (100) expenditure budget by \$167,771. Approval of this item will have no net impact on the overall county budget. (C2907005800) (ADM2170)

**BULLETPROOF VEST PARTNERSHIP GRANT FUNDING**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve acceptance of Year 2006 Bulletproof Vest Partnership grant funding from the Federal Bureau of Justice Assistance (BJA) in the amount of \$15,870.00. BJA approved this funding amount on October 20, 2006. Funds will be used to reimburse 50% of the costs for bulletproof vests and stab resistant vests for use by County personnel in Juvenile Probation and the Sheriff's Office. The vests are to be invoiced, received, and federal payment requested within four years. The Sheriff's Office will receive \$7,890.00 to put toward 100 bulletproof vests. Juvenile Probation will receive \$7,890.00 to put toward 110 bulletproof vests. The Sheriff's Office is the administrator for these grant funds. They will receive the funds from the BJA and dispense appropriate funds to each participating department. Grant indirect costs are not recoverable. Total unrecoverable costs of \$3,692.52 will be as follows: Sheriff's Office, indirect rate of 17.8%, \$1,404.42; Juvenile Probation, indirect rate of 29%, \$2,288.10. (C2007035300)

**FILL THE GAP FUNDS**

Pursuant to A.R.S. §42-17106(B), Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the transfer of \$150,000 in expenditure authority between the General Government (471) General Government Grant Fund (249) and the Public Defender Office (520) Fill the Gap Fund (262). This action will require an appropriation adjustment decreasing FY 2006-07 General Government Grants Fund (249) expenditures by \$150,000 and increasing the FY 2006-07 Public Defender Fill the Gap Fund (262) expenditures by \$150,000. These adjustments will result in a countywide net impact of zero. (C5207002800) (ADM500)

**HEALTH RESOURCES AND SERVICES ADMINISTRATION GRANT AWARD**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the acceptance of Health Resources and Services Administration (HRSA) Award #D1BTH063220101, Document #D1BTH06322A0, which supersedes award notice dated September 12, 2005, extending the grant period from September 1, 2006 through August 31, 2007, to roll up unexpended funds from Grant Number D1BTH00065, and to allow expenditure of the aggregated, previously unspent funds (453,943.00) to cover direct personnel costs, equipment costs, supplies, travel, other, and consortium/contractual costs. Indirect costs are not recoverable. The FY 2006-07 indirect cost rate for Correctional Health Services is 7.04%. Unrecoverable indirect costs for the grant are \$6,256.73 over the current term of the grant. (C2606004601)

**IGA WITH PIMA COUNTY - TECHNICAL ASSISTANCE AND CONSULTING SERVICES**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve an intergovernmental agreement (IGA) between Maricopa County and Pima County accepting an amount not-to-exceed \$125,000 for Maricopa County to provide technical assistance and

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

consulting services to Pima County. These funds will be used to reimburse Correctional Health Services for employee time spent working to develop a Restoration to Competency Program within Pima County. The acceptance and approval of this IGA with Pima County, allows for a revenue and expenditure appropriation adjustment to Correctional Health Services (260) Correctional Health Services Detention Fund (255) associated with the aforementioned IGA in the amount of \$62,500 in FY 2006-07, and \$62,500 in FY 2007-08 for a total not-to-exceed \$125,000. This revenue is not local revenue for the purpose of the constitutional expenditure limitations, and therefore, expenditure of this revenue is not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenue duly adopted by the Board pursuant to A.R.S. §42-17105. (C2607007200)

**POST EMPLOYMENT HEALTH PLAN**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the following documents for participation in the Post Employment Health Plan (PEHP) administered by Nationwide Retirement Solutions:

- Employer Participation Agreement
- Post Employment Health Plan document
- Post Employment Health Plan Trust document

On October 4, 2006, the Board of Supervisors approved an amendment to the Maricopa County Employee Compensation Plan, Section XIII A. 3, changing the \$3,000 taxable cash payment to a \$10,000 nontaxable investment in a Post Employment Health Plan established pursuant to IRC 501(c)(9), for employees who are officially retiring from Maricopa County as verified by the applicable retirement system and who will receive a pension from one of the state retirement systems and who have a minimum of 1,000 hours or more of accrued Family/Medical Leave. The change is effective January 1, 2007, agenda number C3507006800. By approving the Participation Agreement, Trust Document and PEHP Plan document, the Board of Supervisors authorizes the necessary documents to have Nationwide Retirement Solutions administer the Post Employment Health Plan. (C3507013100)

**AMENDMENT AND RESTATED MEDICAL CENTER LEASE AGREEMENT**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the first amendment and restated Medical Center Lease Agreement between Maricopa County and the Maricopa County Special Health Care District. This item was discussed in Executive Session on January 16, 2007. On November 1, 2004 Maricopa County entered into an intergovernmental agreement with the Maricopa County Special Health Care District (C3905016B). The purpose of the agreement was to provide for the transfer of certain assets and liabilities to the Maricopa County Special Health Care District, effective January 1, 2005 in accordance with A.R.S. §48-5541.01. Included in the agreement were terms related to the lease of the Maricopa County Medical Center by Maricopa County to the Maricopa County Special Health Care District. This amendment deletes provisions related to the county's use of portions of the leased space and substitutes a contingent rent payment versus a previously required deferred rent payment as it relates to a dispro share triggered event. The purpose of this change is to characterize this lease as an operating lease as opposed to a capital lease for financial reporting purposes. (C3905016201) (ADM4496-001B) (C3905016B01)

**PERSONNEL AGENDAS**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B may found at the end of this set of minutes.

**ADJUSTMENT TO THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM**

Pursuant to A.R.S. §42-17106(B), Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to authorize the following adjustments to the FY 2006-07 Five-Year Capital Improvement Program:

- Decrease the FY 2006-07 Appropriated Fund Balance (480) County Improvement Fund (435) revenue appropriation by \$16,930,000 and expenditure appropriation by \$9,700,000.
- Decrease Appropriated Fund Balance (480) County Improvement Fund (435) Infrastructure Systems (4813) Durango Animal Care and Control (DACC) project revenue by \$16,930,000 in Year 1 and project expenditures by \$9,700,000 in Year 1 and \$7,230,000 in Year 2.
- Add the Durango Animal Care and Control (DACC) project to the Appropriated Fund Balance (480) County Improvement Fund #2 (440) and increase project revenue and expenditures by \$5,000,000 in Year 1 and \$11,930,000 in Year 2.
- Increase the FY 2006-07 Appropriated Fund Balance (480) County Improvement Fund #2 (440) revenue and expenditure appropriations by \$5,000,000. (C4907023800) (ADM1820)

**AMENDMENT TO IGA - ARIZONA DENTAL SEALANT PROGRAM AND RELATED REVENUE AND EXPENDITURE APPROPRIATION ADJUSTMENTS**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve Amendment No. 7 to intergovernmental agreement (IGA) for the Arizona Dental Sealant Program from Arizona Department of Health Services (contract #HG361221) to the Department of Public Health's Office of Oral Health. The amendment is for the period of January 1, 2007 to December 31, 2007. The award is in the amount of \$346,500 with an additional \$3,000 of funding for mandated dental provider training for a total of \$349,500.

The grant indirect costs are reimbursable at a rate of 10.1% (of direct expenses, excluding sub-recipient expenses). Full indirect costs are estimated at \$31,457 of which \$17,553 are recoverable. (net of pass thru amount \$158,154). (C8603097207)

**AMENDMENT TO ARIZONA DEPARTMENT OF HEALTH SERVICES' CONTRACT**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve Amendment No. 5 to Arizona Department of Health Services' Contract No. HG354255 to the Department of Public Health for sexually transmitted disease (STD) services. This amendment is effective starting November 30, 2006 for the budget period of January 1, 2006 through December 31, 2006. This amendment does not change the total contract dollar amount of \$423,126. The only change is

**FORMAL SESSION**  
**February 7, 2007**

in the object code, changing Personnel Services and ERE from \$362,669 to \$340,399 and changing Professional & Outside Services from \$0.00 to \$22,270. (C8603113205)

**SOLE SOURCE CONTRACT FOR REMOTE ORDER PROCESSING SERVICES**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve a sole source revenue contract with VitalChek Network, Inc., a subsidiary of ChoicePoint, Inc., in order for VitalChek to provide remote order processing of certified copies of vital records on behalf of the Department of Public Health's Vital Records Department. VitalChek Network, Inc. will collect the established fees for the certified record copies and provide the payment to the Department of Public Health of approximately \$150,000 annually. This is a fee-for-service agreement and the expected annual revenue will depend on the number of records requested. The agreement will begin on February 1, 2007 for an initial 12 months, and then renew every 12 months unless either party provides 60 days written notice prior to term end. Department of Public Health's indirect rate is 19.3%. Full indirect costs are estimated at \$24,267 annually, of which \$24,267 is fully recoverable. (C8607024100)

**SOLE SOURCE CONTRACT FOR SOFTWARE PACKAGE**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve a sole source contract with Focus 21 for an SNSLogicSystem software package, customized for Maricopa County Department of Public Health's Emergency Management, and includes related logistics planning in the event of a public health emergency. The contract dollar amount is not-to-exceed \$386,535. The contract is effective upon Board approval for one year with no renewal options. (C8607036100)

**AGREEMENT FOR USE OF FACILITIES**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve non-financial agreement for the use of facilities between the Department of Public Health and Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (MIHS), for the use of their facilities in the event of a public health emergency. The term of the agreement shall begin upon the Board of Supervisors' approval and shall remain intact until terminated by either party with a 30 days written notice. (C8607037000)

**AFFILIATION AGREEMENTS**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve the following affiliation agreements to allow students to participate in learning experiences at the Department of Public Health. The agreements are non-financial, and the terms are retroactive from January 1, 2007 and valid through June 30, 2011:

- a. Entitled "Off-Site Preceptor Student Rotation Training Agreement" with Touro University – Nevada. (C8607039000)
- b. Entitled "Off-Site Preceptor Student Rotation Training Agreement" with the Arizona Board of Regents, for and on behalf of Arizona State University (ASU). (C8607040000)

**WOMEN AND CHILDREN'S COMMUNITY HEALTH GRANT AWARD AND RELATED REVENUE AND EXPENDITURE APPROPRIATION ADJUSTMENTS**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve the Acceptance of Application and Grant Award with the Arizona Department of Health Services (HG754060-005) on behalf of the Department of Public Health (MCDPH) for the Women and Children's Community Health Grant. The term of the grant is from January 1, 2007 to December 31, 2007 for the dollar amount not-to-exceed \$587,768. The grant is renewable for up to four years. The grant indirect costs are reimbursable at a rate of 18.1%. Full indirect costs are estimated at \$77,054 of which all are recoverable (net of pass thru amount \$85,000).

Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$587,768. The appropriations adjustment is necessary because these funds were not included in the FY 2006-07 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8607041300)

**IGA FOR CAR SEAT AND BIKE HELMET, EDUCATION, DISTRIBUTION, AND STORAGE**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve an Intergovernmental Agreement (IGA) on behalf of the Department of Public Health with the Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (MIHS) for the purpose of car seat and bike helmet, education, distribution, and storage. The term of the agreement is January 1, 2007 through December 31, 2007 with a total dollar amount not-to-exceed \$85,000. (C8607042200)

**AMENDMENTS FOR YOUTH SERVICES AND ACTIVITIES**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve the following contract amendments for services. The amendments are effective on February 1, 2007, and the contracts will terminate on June 30, 2007, with the option of renewing the contracts for three additional one-year terms based on performance and funding availability. Funding for these contracts are federal Work Investment Act (WIA) funding provided to Maricopa County by the Arizona Department of Economic Security. These contracts do not contain any county general funds.

- a. Goodwill Industries of Central Arizona, Inc. in the amount of \$180,000 to the contract to provide Workforce Investment Act (WIA) youth services and activities to northern area special population in-school and southeastern area in-school and out-of-school youth. The contract amendment amount increases the total contract from \$471,942 to \$651,942. The total contract amount shall not exceed \$651,942 of which \$100,000 will be reserved for an incentive payment upon successfully meeting or exceeding all performance standards required by the State. \$80,000 of the remaining contract increased amount must be budgeted for the purpose of providing support services and work experience to participants. (C2207072101)
- b. Arizona Call-A-Teen in the amount of \$700,600 to provide Workforce Investment Act (WIA) youth services and activities to northern and southwestern area in-school and out-of-school youth. The contract amendment amount increases the total contract from \$520,600 to \$700,600. The total contract amount shall not exceed \$700,600 of which

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**February 7, 2007**

\$100,000 will be reserved for an incentive payment upon successfully meeting or exceeding all performance standards required by the State. \$80,000 of the remaining contract increased amount must be budgeted for the purpose of providing support services and work experience to participants. (C2207073101)

**ADMINISTRATIVE CORRECTION**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve Amendment No. 1 agenda item C22071051 to clarify Board action taken October 4, 2006. Except for approval of the intergovernmental agreement (IGA) with the Regional Public Transportation Authority (RPTA/Valley Metro), to transfer ownership of 11 vehicles from RPTA to the Human Services Department Special Transportation Services (STS) Division, all other actions taken under agenda item C22071051 are declared null and void. (C2207105101)

**HEALTH CARE EDUCATION AND EMPLOYMENT OPPORTUNITIES**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve an intergovernmental agreement (IGA) between the Arizona Department of Economic Security and the Maricopa County Human Services Department, Workforce Development Division, for the purpose of obtaining additional funding. The additional funding will be used to provide individuals who are low income, employed entry-level workers, displaced homemakers, basic skills deficient, and/or monolingual health care education and employment opportunities. The total amount of funding will not exceed \$26,492. The term of the IGA is from July 1, 2005 through March 31, 2008. There is no county funding involved in this IGA. (C2207109200)

**CONTRACT AND RECEIPT OF FUNDS FOR UTILITY ASSISTANCE**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve contract and receipt of \$10,000 in funding provided by Arizona Community Action Association to the Maricopa County Human Services Department for the purpose of administering the Southwest Gas – Arizona Low-Income Energy Conservation (LIEC) Bill Assistance Program. The funds will be used to pay Southwest Gas bills for income qualified customers. Services will be provided through the Maricopa County Community Action Programs during the contract period of January 1, 2007, to December 31, 2007, or until all funds are expended, whichever comes first. It is anticipated that up to 50 households will be assisted with Southwest Gas utility bills as a result of the acceptance of this funding. All overhead/indirect costs are allowable and the funding requested will not exceed \$10,000 in total. The department's FY 2007-08 authorized indirect cost rate of 16.5% will be applied and total estimated indirect costs are \$0. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board of Supervisors pursuant to A.R.S. §42.17105. (C2207126100)

**AGREEMENT WITH MIXED UP MUTTS & SHEPHERDS TOO**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve an Agreement between Caron Lober, d.b.a. Mixed Up Mutts & Shepherds TOO (formerly known as German Shepherd Rescue), 1204 E. Windsor Avenue, Phoenix, AZ 85006, and Maricopa County to allow Mixed Up Mutts & Shepherds TOO under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination,

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the contractor. The cost for these services is \$27 for each animal rescued. Animal Care & Control estimates 1,300 New Hope rescues over the term of the agreement, for a total of \$35,100. The term of this agreement is from February 8, 2007 through February 7, 2010. (C7907040100)

**AMENDMENT TO AGREEMENT WITH MAKE A DIFFERENCE**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve the First Amendment to the agreement (C7907012100) between Make A Difference and Maricopa County Animal Care & Control (MCACC) signed by the Board of Supervisors on September 25, 2006, to contract and provide Animal Care & Control with an AmeriCorps employee beginning January 2007. The amended agreement includes half-time versus full-time employee, reduced hours of service, reduced program period from twelve months to an eight month program; and a reduced cost to MCACC from the original \$7,500 to \$4,000 payable March 30, 2007. Make A Difference did not have a suitable candidate available on inception of the original contract dates. Therefore, the program offer was delayed. The AmeriCorps employee will be assigned to assisting with program management and coordination of community disaster responses for the department. (C7907044100)

**AGREEMENT WITH ARIZONA BOARD OF REGENTS FOR INTERNSHIP STUDENT**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve a non-financial agreement between the Arizona Board of Regents for and on behalf of Arizona State University and Maricopa County for the purpose of obtaining one internship student to develop and implement various aspects of the department's volunteer program. The term of this agreement is effective upon execution and shall remain in effect up to one year subject to periodic review and revision with rights to terminate with 30-day written notice by either party. (C7907045000)

**KENNEL PERMIT**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve the following kennel permit for Sotero Avila, d.b.a. Avila Kennels, 2917 N. 193rd Drive, Litchfield Park, AZ 85340, Permit #436 for the term of February 7, 2007 through February 6, 2008. The cost of the kennel permit is \$328. (C7907047C00) (ADM2304)

**KENNEL PERMIT RENEWALS**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve the following kennel permit renewals for the term of February 7, 2007 through February 6, 2008. The cost of each kennel permit is \$328.

- a. Cheryl Wilson, d.b.a. Wilson Kennels, 28022 N. 30th Lane, Phoenix, AZ 85085, Permit #401. (C7907048C00) (ADM2304)
- b. Lynn Jech, d.b.a. Keepsake Kennels, 11446 W. Hidalgo, Tolleson, AZ 85353, Permit #356. (C7907048C00) (ADM2304)
- c. Isabel Swaney, d.b.a. Swaney Kennels, 26717 S 206th Street, Queen Creek, AZ 85242, Permit #424. (C7907048C00) (ADM2304)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

- d. Liz Hazen, d.b.a. Hazen Farms, 26951 W. Hazen Road, Buckeye, AZ 85326, Permit #340. (C7907048C00) (ADM2304)
- e. Mark Robison, d.b.a. Marylynns Kennels, 3812 N. 367th Avenue, Tonopah, AZ, 85354, Permit #365. (C7907049C00) (ADM2304)
- f. Patricia Clark, d.b.a. Clark Kennels, 6422 S. 35th Avenue, Phoenix, AZ 85041, Permit #350. (C7907049C00) (ADM2304)
- g. Friends for Life Sanctuary, a 501 (c) 3 non-profit, d.b.a. Friends For Life Kennels, 143 W. Vaughn Avenue, Gilbert, AZ 85234, Permit #334. (C7907050C00) (ADM2304)
- h. Sharon Brown, d.b.a. Brown Kennels, 6328 E. Halifax, Mesa, AZ 85205, Permit #425. (C7907051C00) (ADM2304)
- i. Jill Guenin, d.b.a. Guenin Kennels, 5634 E. Dixileta Drive, Cave Creek, AZ 85331, Permit #423. (C7907051C00) (ADM2304)
- j. Susan Di Gregario, d.b.a. S & J Kennels, 1117 N. 11th Street, Phoenix, AZ 85006, Permit #082. (C7907051C00) (ADM2304)

**DONATIONS**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve the acceptance of the following donations:

- a. PetSmart Corp. 42,000 pounds of dog and cat food and 50 dog kennels to Maricopa County Animal Care & Control valued at \$3,900 for the care and well being of the animals. Donation revenue funds are deposited into Dept. (790) Fund (573) as they are received. (C7907041700) (ADM2300-006)
- b. Drusilla Wylie of Mesa, Arizona to Maricopa County Animal Care & Control in the amount of \$750 for the care and well being of the animals. Donation revenue funds are deposited into Fund (573) as they are received. (C7907042700) (ADM2300-006)
- c. J. Alan Brown of Gilbert, Arizona to Maricopa County Animal Care & Control in the amount of \$400 for the care and well being of the animals. Donation revenue funds are deposited into Fund (573) as they are received. (C7907043700) (ADM2300-006)
- d. Phoenix Flyers Dog Agility Training, 7602 W John Cabot Road, Glendale, AZ 85308 to Maricopa County Animal Care & Control in the amount of \$283. Donation revenue funds are deposited into Fund (573) as they are received. (C7907052700) (ADM2300-006)

Supervisor Wilson publicly thanked each of the people and organizations who made donations to Maricopa County Animal Care and Control.

**FUND TRANSFERS; WARRANTS**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve regular and routine fund transfers from the operating funds to clearing funds including

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**February 7, 2007**

payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

**AMEND PREVIOUS BOARD ACTION RELATED TO FUND TRANSFER**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to approve Amendment No. 3 to previous Board action C1804042B02, Second Paragraph, Section A which included the following language and was approved on January 2, 2007:

- a) A fund transfer in the amount of \$1,900,000 from Appropriated Fund Balance Reserved Contingency Items "Property Acquisition" line (Fund 100, Dept. 480, Org 4811) to an existing line item in Appropriated Fund Balance Other Programs (Fund 100, Dept. 480, Org 4812) "Transfer to CIP funds"; then transfer these funds to Appropriated Fund Balance General Fund County Improvement Fund (Fund 445, Dept. 480, Org 4813) Southwest Justice Center (SWJC). Also approve offsetting revenue and expenditure adjustments to Eliminations (Fund 900, Dept. 980).

To the following language for Second Paragraph, Section A:

- b) A fund transfer in the amount of \$1,900,000 from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency Items (4811) "Property Acquisition" line to the "Debt Service Transfer" line in Appropriated Fund Balance (480) General Fund (100) Infrastructure/CIP (4813); then transfer these funds to the General Government (470) County Improvement Debt #2 Fund (321) with offsetting revenue and expenditure eliminations in Eliminations (980) Eliminations Fund (900). (C1804042B03) (ADM800-003)

**TERMINATE LEASE**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson and unanimously carried (3-0-2) to authorize Real Estate Services to terminate Lease No. L7310, with Arrowhead Properties for space at 9770 W. Peoria Avenue, Peoria, according to the provisions of the lease. The lease was originally approved under agenda C2202117400 on August 22, 2001, with the provision that it could be terminated without penalty after the first five years of the term. Real Estate Services has negotiated a replacement lease in a new facility that provides more efficient space in a superior location. (C1807015400)

**DECLARE OBSOLETE STRUCTURES AND AUTHORIZE REMOVAL**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to declare obsolete structures located on the former St. Vincent de Paul dining hall site at 8th Avenue and Madison in Phoenix to have no value and authorize the removal of the structures to make way for future development. (C1807017B00)

**SOLICITATION SERIALS**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Awards**

- 06080-ROQ      Specialty Legal Services Providers – Board of Supervisors** (\$1,000,000 estimate/three years with three one-year renewal options) Contract for specialty legal services providers for the Maricopa County Board of Supervisors.
- Bowman and Brooke LLP
  - Gaona Law Firm
  - Shughart Thomson & Kilroy PC
  - Swenson Storer & Andrews Frazelle
- 06114-S      Kitchen Hood Exhaust System Cleaning** (\$750,000 estimate/three years with three one-year renewal options) Price agreement to provide kitchen hood exhaust cleaning services at various MCSO kitchens throughout Maricopa County.
- Sun Devil Fire Equipment, Inc.
- 06156-S      Worker's Compensation Medical Bill Review Services – Risk Management** (\$550,000 estimate/three years with three one-year renewal options) Price agreement to provide worker's compensation medical bill review services as requested by Risk Management.
- Advantage Workcomp Services

**Renewals/Extensions:**

The renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

**Until March 31, 2009**

- 03110-S      Duct Cleaning Services – HVAC** (\$1,500,000 estimate/two years) Price agreement renewal to provide Duct Cleaning Services for various Maricopa County facilities.
- Empire Maintenance, Co.
  - Fresh Air Systems
  - K.M. Facility Services LLC

**Until February 28, 2008**

- 03125-RFP      Signage** (\$1,000,000 estimate/one year) Price agreement renewal for signage products used in/on Maricopa County facilities.
- Fluoresco Lighting and Signs

**Until February 28, 2010**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

- 03246-S      Armored Car Pick-Up and Delivery Service** (\$600,000 estimate/three years)  
Pricing agreement renewal for armored car pick-up and delivery services for various county agencies.
- Dunbar Armored, Inc.

**Increase in the price agreement amount for the following contract.** This request is due to an increased usage by County departments.

- 03015-RFP      Sheriff's Office Trust Accounting and Commissary System – TRACS** (\$200,000 increase) Increase contract value from \$880,000 to \$1,080,000. This \$200,000 increase is requested by the Sheriff's Office to fund change orders required to successfully complete this project. This contract was initially approved by the Board of Supervisors on August 18, 2004 and has an expiration date of August 31, 2009.
- Syscon Justice Systems LTD

**CAPA**

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

**Air Quality**

Del Hawkins

**Human Services**

Debra Sanderfield

**Facilities Management**

Richard Crago  
Benny Martinez  
Ramon Mena  
Gabino Rodriguez

**Office of Enterprise Technology**

Michael Heugly

**Trail Courts**

Jerry Oyler

**INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT WITH RPTA**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve and execute an Intergovernmental Cooperative Purchasing Agreement with the Regional Public Transportation Authority (RPTA). Term of agreement is from date approved by the Board of Supervisors until cancelled by either party with 30 days notice. This agreement will facilitate the cooperative procurement of Passenger Transportation Vans and/or other materials and supplies with the intent of conserving resources and reducing procurement costs. (C7307004200)

**OFFER OF JUDGMENT IN JENNIFER BRAILLARD V. MARICOPA COUNTY**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve a Rule 68 Offer of Judgment in the amount of \$300,000 in the Jennifer Brillard v. Maricopa County, et al., Maricopa County Superior Court Number CV2005-01981, County claim numbers MM2642028898 and GL5000029744, presently pending in Pinal County under Court Number CV2006-01548. This matter was discussed in Executive Session on January 16, 2007. (C7507021100) (ADM409)

**FORMAL SESSION**  
**February 7, 2007**

**OFFER OF JUDGMENT IN PHILIP WILSON V. MARICOPA COUNTY**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve an Offer of Judgment in the amount of \$1,000,000 in addition to reasonable fees incurred to date by Plaintiffs, in the case of Philip Wilson v. Maricopa County, et al., CV04-2873, county claim number GL5419030293. This matter was discussed in Executive Session on February 5, 2007. (C7507022100) (ADM409)

**PRE-LITIGATION SETTLEMENT IN KRISTIN FORSYTH V. MARICOPA COUNTY**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve a pre-litigation settlement of all claims in the amount of \$150,000 against the Sheriff's Office and individually against Deputy Springfield, in the case of Kristin Forsyth v. Maricopa County, Risk Management claim number GL5000030999. This matter was discussed in Executive Session on February 5, 2007. (C7507023000) (ADM409)

**SETTLEMENT AGREEMENT**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to authorize Settlement Agreement between Maricopa County and Plaintiffs Kathleen Mucerino, Martin Klass, and Daniel Terrell, concerning Maricopa County Superior Court No. CV2005-011512 (Consolidated with CV2006-005457). This matter was discussed in Executive Session on February 5, 2007. (C7507024000) (ADM409)

**EXCEPTION TO THE PERFORMANCE-BASED SALARY ADVANCEMENT PLAN**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an exception to the FY 2006-07 Performance-Based Salary Advancement Plan making contract employees under the West Nile activity – Chemical Application Technicians in the Environmental Services Department ineligible for the 2006-07 performance based salary advancement. (C8807002600) (ADM3308)

**EXCEPTION TO THE MARICOPA COUNTY COMPENSATION PLAN**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an exception to the Maricopa County Compensation Plan Section IV.A. Salary Advancement to allow the salary advancement for Environmental Services Department employee Charlene Gardner to be effective retroactively to October 23, 2006. (C8807003600) (ADM3308-001)

**CHANGE ORDER TO CONTRACT WITH CONCORD GENERAL CONTRACTING**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Change Order No. 10 to contract C7004039800, Concord General Contracting, in the amount of \$1,383,374. This contract is for the continued design build and related professional services for the renovation of the Security Building for Phase IV primarily – emergency generator, furniture, freight elevator renovations and other miscellaneous improvements. (C7004039806)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

**EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

- |                  |   |
|------------------|---|
| A339.002<br>(CS) | Project No.: TE198 – Peoria and Litchfield – Special Warranty Deed - Parcel No.: 501-43-013B – City of Phoenix, a municipal corporation of the State of Arizona - for the sum of \$10.00.   |
| A339.003<br>(CS) | Project No.: TE204 – Litchfield and Olive – Special Warranty Deed - Parcel No.: 501-43-023 – City of Phoenix, a municipal corporation of the State of Arizona - for the sum of \$10.00.   |
| A339.004<br>(CS) | Project No.: TE204 – Litchfield and Olive – Special Warranty Deed - Parcel No.: 501-43-012B – City of Phoenix, a municipal corporation of the State of Arizona – for the sum of \$10.00.  |
| A339.005<br>(CS) | Project No.: TE204 – Litchfield and Olive – Special Warranty Deed - Parcel No.: 501-42-024 – City of Phoenix, a municipal corporation of the State of Arizona – for the sum of \$10.00.   |
| DD-10659<br>(GL) | Project No.: TT011 – Power Road – Quit-Claim Deed - Parcel No.: 304-37-024L – Quiktrip Corporation, an Oklahoma corporation – for the sum of \$10.00.   |
| DD-10666<br>(GL) | Project No.: TT011 – 195 <sup>th</sup> Avenue – Warranty Deed - Parcel No.: 502-36-046D – Watts Investments, an Arizona limited liability company – for the sum of \$10.00.   |
| DD-10666<br>(GL) | Project No.: TT011 – 195 <sup>th</sup> Avenue – Purchase Agreement and Escrow Instructions - Parcel No.: 502-36-046D – Watts Investments, an Arizona limited liability company.   |
| DD-10670<br>(GL) | Project No.: TT011 – 79 <sup>th</sup> Street Mesa - Warranty Deed - Parcel No.: 219-26-131- Stewart Karpiuk and Charlene Karpiuk – for the sum of \$10.00.  |
| DD-10670<br>(GL) | Project No.: TT011 – 79 <sup>th</sup> Street Mesa - Purchase Agreement and Escrow Instructions - Parcel No.: 219-26-131 – Stewart Karpiuk and Charlene Karpiuk .  |
| 253.001<br>(JPM) | Project No.: TT253 – Rainbow Road (bridge @ Buckeye Canal) – Warranty Deed - Parcel No.: 504-45-016T (a portion of) – Connie E. White, trustee of the White Living Trust dated December 8, 1998 – for the sum of \$1,000.00.                        |
| 253.001<br>(JPM) | Project No.: TT253 – Rainbow Road (bridge @ Buckeye Canal) – Purchase Agreement and Escrow Instructions - Parcel No.: 504-45-016T (a portion of) – Connie E. White, trustee of the White Living Trust dated December 8, 1998.                       |
| A279.011<br>(HH) | Project No.: 69010 – Rustler Road (188 <sup>th</sup> Ave. to 186 <sup>th</sup> Ave.) – Agreement for Compensation of Property – Parcel No.: 400-52-129 – Dorothy G. Prickett, who acquired title as Dorothy Gaye Estes – for the sum of \$9,100.00. |

**FORMAL SESSION**  
**February 7, 2007**

**COTTON LANE BRIDGE**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the expenditure of the balance, \$17,952.24, of the reimbursement agreement with Buckeye Water Conservation and Drainage District (BWCD) in FY 2006-07. BWCD costs are for review and construction over-sight of the new bridge needed in support of MCDOT's Project T180, Cotton Lane Bridge. The total cost may not exceed the estimated amount of \$25,100 by more than 10%. (C6405231501) (ADM2000-006)

**GILBERT ROAD: MCDOWELL TO SR-87**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve reimbursement and acceptance of Salt River Project's (SRP) Design and Construction Agreement Addendum No. 1 to SRP Job Number KEL-90102 for additional costs incurred in the relocation of their facilities that are in conflict with Maricopa County Department of Transportation, Project T081 (68957), Gilbert Road: McDowell to SR-87 with low water crossing (LWC). SRP was required by MCDOT to bore under Gilbert Road and not open trench; thus increasing SRP's cost. The additional cost may not exceed the current estimate of \$19,610 by more than 10%.

Also approve the extension of the original design and construction contract with Salt River Project (SRP Job Number KEL-90102) to June 30, 2007; and authorize the expenditure of the approved amount of \$12,597 from MCDOT project T081 in FY 2006-07. Total expenditure will be \$32,207. (C6405295101)

**EXTENSION OF DESIGN AND CONSTRUCTION CONTRACT WITH SALT RIVER PROJECT**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the extension of the design and construction contract with Salt River Project (SRP Job Number KE6-90112) to June 30, 2007; and authorize expending the estimated amount of \$13,344 from MCDOT CIP Project T081, Gilbert Road: McDowell to SR-87, in FY 2006-07. (C6406278101)

**AMENDMENT TO IGA FOR MAINTENANCE AND IMPROVEMENTS TO FOREST ROADS**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Amendment No. 1 to the intergovernmental agreement between Maricopa County and USDA Forest Service for maintenance and improvements to forest development roads in Maricopa County, MCDOT Work Order Nos. 10611 and 10613, Forest Service Agreement No. 06-RO-11031300-018, which was approved by the Board of Supervisors on May 17, 2006, and signed by the Forest Service on July 12, 2006. There is no financial impact. The purpose of this amendment is to revise Schedule A of the agreement. The following roads are being removed from the Tonto National Forest, Forest Roads, Schedule A: (C6406251001)

<b>Road No.</b>	<b>Name</b>
205	Horseshoe Lake
2100	Horseshoe Dam Vista
2101	Catfish Point
2102	Horseshoe Campground
2103	Horseshoe Dam

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

Chairman Kunasek thanked the Department of Transportation for explaining to the Board and the ranchers in the area the rationale for amending this agreement.

**RESCIND ACTION RELATED TO ANNEXATION BY CITY OF AVONDALE**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to rescind the action taken on August 16, 2006 (C6406287001), which approved the annexation by the City of Avondale in Ordinance No. 646-97, due to errors in the legal descriptions. (C6406287002) (ADM4201)

**IGA FOR IMPROVEMENTS TO MC 85 FROM 91ST AVENUE TO 75TH AVENUE**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the intergovernmental agreement between Maricopa County and the City of Phoenix for Improvements to MC 85 from 91st Avenue to 75th Avenue. The county will act as the lead agency to design, construct and acquire the necessary right-of-way for this project. The City of Phoenix will issue a "no cost" permit to the county for any work done within their jurisdictional boundaries, plus allow us to procure any needed right-of-way. (C6407142200)

Supervisor Wilson commended Supervisor Wilcox on her work on this project.

**MINGUS BOX CULVERT**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve reimbursement to Arizona Public Service (APS) in the amount of \$7,558.94 for the design and relocation of a 12kv power pole in conflict with MCDOT's project, T219, Mingus Box Culvert. The cost may not exceed the estimated amount of \$7,558.94 by more than 10%. (C6407155M00) (ADM2000-006)

**ANNEXATION BY THE CITY OF AVONDALE**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve an annexation by the City of Avondale of County right-of-way in accordance with City of Avondale Ordinance No. 1225-1206. This action replaces City of Avondale Ordinance No. 646-97, which was rescinded by Board of Supervisors action on February 7, 2007, due to an incorrect legal description. (C6406287002) (C6407154000) Avondale Ordinance No. 646-97 was previously approved by the Board of Supervisors on July 12, 2006 (C6406287000), subsequently rescinded on August 16, 2006 and a corrective annexation approved on August 16, 2006 (C6406287001). The legal description of the corrected annexation approved on August 16, 2006 (C6406287001) contained errors in the legal description and has been rescinded by action of the Board of Supervisors on February 7, 2007 (C6406287002). On December 18, 2006 the City of Avondale rescinded Ordinance No. 646-97 and adopted a corrective Ordinance 1225-1206. This action will correct and replace the rescinded Ordinance 646-97 with the corrective Ordinance 1225-1206. (C6407154000) (ADM4201)

Thomas Road those portions of Sections 25, 26, 35, and 36, Township 2 North, Range 1 West and Sections 29, 30, 31 and 32, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Section 25 the South 40.00 feet thereof.

**FORMAL SESSION**  
**February 7, 2007**

Section 26 the South 40.00 feet thereof; Except the West 40.00 feet.  
Section 35 the North 40.00 feet thereof; Except the West 40.00 Feet.  
Section 36 the North 40.00 feet thereof;  
Together with the South 25.00 feet of the North 65.00 feet of the East 33.00 thereof.  
Section 29 the South 75.00 feet of the Southwest Quarter of said Section.  
Section 30 the South 33.00 feet thereof; Except the West 68.00 feet; together with the South 40.00 feet of the West 33.00 feet thereof.  
Section 31 the North 33.00 feet thereof; Except the East 35.00 feet of the West 68.00 feet.  
Together with the South 22.00 feet of the North 55.00 feet of the East 33.00 feet thereof.  
Section 32 the North 55.00 feet of the Northwest Quarter of said Section.  
107th Avenue that portion of Sections 35 and 36, Township 2 North, Range 1 West and Sections 5 and 6, Township 1 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:  
Section 5 the North 35.00 feet of the West 33.00 feet.  
Section 6 the North 23.00 feet of the East 33.00 feet and the South 10.00 feet of the North 33.00 feet of the East 23.00 feet.  
Section 31 the East 33.00 feet thereof; except the North 55.00 feet.  
Section 32 the West 33.00 feet of Section 32 and the East 22.00 feet of the Northwest quarter of the Northwest quarter; Except the North 55.00 feet.  
Indian School Road those portions of Sections 22, 23, 24, 25, 26 and 27, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:  
Section 22 the South 33.00 feet of the East 40.00 feet thereof.  
Section 23 the South 33.00 feet of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of said Section. Except the East 25.00 feet.  
The South 33.00 feet of the Southeast Quarter of the Southeast Quarter of said Section. Except the East 10.00 feet of the West 40.00 feet; And also Except the East 65.00 feet.  
The South 75.00 feet of the East 55.00 feet of the Southeast Quarter of said Section.  
Section 24 the South 75.00 feet of the West 55.00 feet thereof.  
Section 25 the North 102.00 feet of the West 55.00 feet thereof.  
Section 26 the North 55.00 feet thereof. Except the East 10.00 feet of the West 40.00 feet of the Northeast Quarter of the Northeast Quarter; And also Except the East 65.00 feet; the North 102.00 feet of the East 55.00 feet thereof.  
Section 27 the North 55.00 feet of the East 40.00 feet.  
Mcdowell Road that portion of Sections 1 and 2, Township 1 North, Range 1 West and Section 6, Township 1 North, Range 1 East and Sections 35 and 36 Township 2 North, Range 1 West and Section 31, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:  
Section 1 the North 40.00 feet thereof. Except the West 25.00 feet of the East 58.00 feet.  
Section 2 the North 40.00 feet thereof. Except the West 65 00 feet and the East 10.00 feet of the Northwest quarter of the Northeast quarter.  
Section 6 the North 23.00 feet thereof; Except: The East 35.00 feet of the West 68.00 feet and the East 33.00 feet.  
Section 31 the South 60.00 feet of the Southwest quarter. Except The East 35.00 feet of the West 68.00 feet and Beginning at the point of intersection of the North line of the South 60 feet with East line of the West 68 feet of said Section 3:

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

thence Easterly along said North line of the South 60 feet a distance of 10 feet to a point; thence Northwesterly to a point on the said East line of the West 68 feet that is 10 feet North of the point intersection;

thence southerly along said East line a distance of 10 feet to the point of Beginning.

Section 35 the South 40.00 feet thereof. Except the West 65.00 feet and the East 10.00 feet of the Southwest quarter of the Southeast quarter.

Section 36 the South 40.00 feet thereof. Except the West 25.00 feet of the East 58.00 feet.

127<sup>TH</sup> Avenue the West 10.00 feet of the Northwest Quarter of the Northeast Quarter of Section 2, Township 1 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. Except the North 40.00 feet thereof.

Encanto Boulevard the North 33.00 feet of the Southeast quarter and the South 33.00 feet of the Northeast quarter of Section 36, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian. Maricopa County, Arizona: Except: the West 70.00 feet and the East 58 feet.

El Mirage Road that portion of Sections 35 and 36, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County Arizona, more particularly described as follows:

Section 35 the East 33.00 feet of that portion of Section 35 lying South of the Northwesterly Right of Way line of the Agua Fria River Channel. Except: The South 40.00 feet.

Section 36 the West 33.00 feet of that portion of Section 36 lying South of the Northwesterly Right of Way line of the Agua Fria River Channel. Except: The South 40.00 feet.

**ANNEXATION BY THE TOWN OF GILBERT**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve an annexation by the Town of Gilbert of county right-of-way within a portion of Pecos Road, East of Lindsay Road, in accordance with Ordinance No. 1871. (C6407156000) (ADM4206-002)

The North 55.00 feet of Lot 4, the North 45.00 feet of Lot 3 and the South 10.00 feet of the North 55.00 feet of the West 38.00 feet of Lot 3 of Section 5, Township 2 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona. EXCEPT that portion lying West of the East Right of Way line of the Salt River Project Eastern Canal described in Docket 16071, Page 715, MCR.

**ANNEXATION BY THE CITY OF PHOENIX**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve an annexation by the City of Phoenix of county right-of-way within Broadway Road and 35th Avenue at the intersection of said roads, in accordance with Ordinance No. G-4828. (C6407157000)

BEGINNING at the intersection of the North line of the South 40 feet of the Southwest quarter of Section 23 – T1N, R2E and the East line of the West 40 feet thereof, being a point-in-common of the areas annexed to the City of Phoenix, Arizona, by its ordinance Nos. G-348 and G-713, recorded in Docket 3179, page 46 and in Docket 5959, page 459, respectively, records of Maricopa County, Arizona:

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

thence Easterly along said North line, and along the Phoenix city limit line as established by said Ordinance No.G-348, to the East line of the West 400 feet of said Southwest quarter;  
thence Southerly along last said East line, and along the East line of the West 400 feet of the Northwest quarter of Section 26 – T1N, R2E, to the South line of the North 65 feet of said Northwest quarter;  
thence Westerly along said South line to the East line of the West 65 feet of said Northwest quarter;  
thence Southerly along last said East line to the South line of the North 300 feet of said Northwest quarter;  
thence Westerly along last said South line to a point in the East line of the West 40 feet of said Northwest quarter, being a point in the boundry of the area annexed to said city of Phoenix by said Ordinance No. G-713;  
thence Northerly along last said East line and along the Phoenix city limit line as established by said Ordinance No.-713, to the North line of said Northwest quarter, being identical with the South line of said Southwest quarter;  
thence Northerly along the East line of the West 40 feet of said Southwest quarter, and continuing along last said Phoenix city limit line, to the POINT OF BEGINNING.

**ANNEXATION BY THE TOWN OF GILBERT**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve an annexation by the Town of Gilbert of county right-of-way within a portion of Ocotillo Road, East of Lindsay Road, in accordance with Ordinance No. 1864. (C6407163000) (ADM4206-002)

The North 33.00 feet of the Northwest quarter of Section 20, Township 2 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona. Except the West 554.05 feet; Containing 1.58 Acres, more or less.

**ANNEXATION BY THE TOWN OF GILBERT**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve an annexation by the Town of Gilbert of county right-of-way within a portion of Pecos Road, West of Recker Road, in accordance with Ordinance No.1870. (C6407164000) (ADM4206-002)

The South 65.00 feet of the Southwest quarter of the Southeast quarter and the North 130.25 feet of the South 195.25 feet of the East 285.50 feet of the West 462.03 feet of the Southwest quarter of the Southeast quarter of Section 35, Township 1 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona. Containing 123,137 S.F., more or less.

**ANNEXATION BY THE CITY OF PHOENIX**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve an annexation by the City of Phoenix of county right-of-way within 27th Avenue, from Broadway Road to Southern Avenue, in accordance with Ordinance No. G-4850. (C6407165000)

PART NO. 1:

That part of Sections 23, 24, 25 and 26, Township 1 North, Range 2 East, G&SRB&M, described as follows:

Beginning at the intersection of the North line of the South 40 feet of the Southwest quarter of said Section 24 and the East line of the West 40 feet thereof, being a corner of the area annexed to the City of Phoenix, Arizona, by its Ordinance No. G-348, recorded in Docket 3179, page 46, records of Maricopa County, Arizona;

thence Southerly along said East line, and along the Phoenix city limit line as established by said Ordinance No. G-348, to the South line of said Southwest quarter, being identical with the North line of the Northwest quarter of said Section 25;

thence Southerly along the East line of the West 40 feet of said Section 25, and continuing along the Phoenix city limit line as established by said Ordinance No. G-348, to a point in the North line of the South 55 feet of the Southwest quarter of said Section 25, being also the Northeast corner of the area annexed to said City of Phoenix by its Ordinance No. G-4754, recorded in Document No. 2005-1826305, records of said County;

thence Westerly along said North line, and along the Phoenix city limit line as established by said Ordinance No. G-4754, to the West line of said Southwest quarter, being identical with the East line of the Southeast quarter of said Section 26;

thence Westerly along the North line of the South 55 feet of said Southeast quarter, and continuing along last said Phoenix city limit line, to a point, designated herein as Point "A", in the line, designated herein as Line "A", which extends Northeasterly to a point, designated herein as Point "B", in the North line of the South 65 feet of said Southeast quarter which is 75 feet Westerly of the intersection of last said North line and the West line of the East 55 feet of said Southeast quarter, said Point "A" being a corner of the area annexed to said City of Phoenix by its Ordinance No. G-4501, recorded in Document No. 2003-278880, records of said County;

thence Northeasterly along said Line "A", and along the Phoenix city limit line as established by said Ordinance No. G-4501, to said Point "B", being a corner of the area annexed to said City of Phoenix by its Ordinance No. G-4342, recorded in Document No. 2001-373066, records of said County;

thence Northeasterly, along the Phoenix city limit line as established by said Ordinance No. G-4342, to a point in the West line of said East 55 feet which is 75 feet Northerly of last said intersection;

thence Northerly along last said West line, and continuing along the Phoenix city limit line as established by said Ordinance No. G-4342, to the North line of the Southeast quarter of the Southeast quarter of said Section 26;

thence Easterly along last said North line, and continuing along the Phoenix city limit line as established by said Ordinance No. G-4342, to the West line of the East 33 feet of the Southeast quarter of said Section 26;

thence Northerly along last said West line, and continuing along the Phoenix city limit line as established by said Ordinance No. G-4342, to the East-West mid-section line of said Section 26;

thence Northerly along the West line of the East 33 feet of the Northeast quarter of said Section 26 to the point therein that bears Southerly a distance of 48 feet from the intersection of last said West line and the South line of the North 33 feet thereof;

thence Northwesterly to a point in last said South line which is 48 feet Westerly of last said intersection;

thence Northerly, at right angles to last said South line, to the North line of said Northeast quarter, being identical with the South line of the Southeast quarter of said Section 23;

thence continuing Northerly, at right angles to last said South line, to the North line of the South 33 feet of said Southeast quarter;  
thence Easterly along last said North line to the point therein that bears Westerly a distance of 30 feet from the intersection of last said North line and the West line of the East 30 feet of said Southeast quarter;  
thence Northeasterly, along the line that extends to a point in last said West line which is 30 feet Northerly of last said intersection, to the North line of the South 40 feet of said Southeast quarter, being a point in the boundary of said City of Phoenix by said Ordinance No. G-348;  
thence Easterly along last said North line, and along the Phoenix city limit line as established by said Ordinance No. G-348, to the East line of said Southeast quarter, being identical with the West line of the Southwest quarter of said Section 24;  
thence Easterly along the North line of the South 40 feet of said Southwest quarter, and continuing along the Phoenix city limit line as established by said Ordinance No. G-348, to the Point Of Beginning.

**PART NO. 2:**

That part of Sections 35 and 36, Township 1 North, Range 2 East, G&SRB&M, described as follows:

Beginning at the intersection of the East line of the West 40 feet of said Section 36 and the South line of the North 65 feet thereof, being a point-in-common of the areas annexed to the City of Phoenix, Arizona, by its Ordinance No. G-348 and Ordinance No. G-4754, recorded in Docket 3179, page 46 and in Document No. 2005-1826305, respectively, records of Maricopa County, Arizona;

thence Westerly along said South line, and along the Phoenix city limit line as established by said Ordinance No. G-4754, to the West line of said Section 36, being identical with the East line of said Section 35;

thence Westerly along the South line of the North 65 feet of said Section 35, and continuing along the Phoenix city limit line as established by said Ordinance No. G-4754, to a point, designated herein as Point "C", in the West line of the East 55 feet of said Section 35;

thence continuing Westerly along last said South line, and also continuing along last said Phoenix city limit line, a distance of 55 feet;

thence Southeasterly to a point in last said West line which is 55 feet Southerly of said Point "C";

thence Easterly, at right angles to last said West line, to a point in the East line of the West 40 feet of said Section 36, being also a point in the boundary of first said annexed area;

thence Northerly along last said East line, and along the Phoenix city limit line as established by said Ordinance No. G-348, to the Point Of Beginning

**REIMBURSEMENT TO SRP FOR IRRIGATION DESIGN**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve reimbursement to Salt River Project (SRP) in the amount of \$88,470 for the irrigation design for facilities that are in conflict with the Department of Transportation Project T113, MC85: 75th Avenue to 91st Avenue. The cost may not exceed the estimated amount of \$88,470 by more than 10%. (C6407158M00) (ADM2000-006)

**FORMAL SESSION**  
**February 7, 2007**

**EXCEPTION TO VEHICLE REPLACEMENT POLICY**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve an exception to the vehicle replacement policy by allowing a temporary addition to the fleet to replace one Maricopa County Sheriff's Office impounded vehicle unit #92302, VIN # 1GCDM19X83B128930. This cargo van is being held as evidence under advisement from Maricopa County Attorney's Office. Criminal trial proceedings could last several years. In the meantime, MCDOT requires a replacement vehicle to continue day-to-day operations. (C6407159000) (ADM633) (ADM3104)

**IMPROVEMENTS TO MCDOWELL MOUNTAIN ROAD**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the intergovernmental agreement (IGA) between Maricopa County and the Town of Fountain Hills for improvements to McDowell Mountain Road from South of Fountain Hills Middle School to Forest Road. The county will act as the lead agency for this project and incur all costs. The town will waive any or all permit fees required for the construction phase of this project that may reside within their jurisdictional boundaries. The county has designated Project Number T108, McDowell: Shoulder Widening, for this project. (C6407160200)

**AGREEMENT WITH ARIZONA STATE UNIVERSITY FOR PAVEMENT DESIGN RESEARCH**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the agreement between Maricopa County and Arizona State University to provide Pavement Design Research towards the implementation of the Mechanistic-Empirical Pavement Design Guide. The county will participate in funding the research up to \$50,000 per county fiscal year from operating funds, and the agreement can be renewed for the next year as needed, up to three years. The payment schedule is established that MCDOT will pay 50% (\$25,000) at the beginning, 25% (\$12,500) when 75% of the year's work is completed, and 25% (\$12,500) at the end of the year. (C6407161200)

**TRANSPORTATION SYSTEM PLAN UPDATE**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the Transportation System Plan update, dated December 2006, as the official Transportation System Plan. This plan was last produced and approved by the Board of Supervisors on December 17, 1997. The Transportation System Plan (TSP) is Maricopa County's long-range plan for transportation. MCDOT has undertaken the process of updating the TSP, as it establishes an organized approach to the planning, design and construction of Maricopa County's transportation system through 2026. (C6407162600)

**CONSTRUCTION OF AN INTELLIGENT TRANSPORTATION SYSTEM**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the solicitation of bids for construction of an Intelligent Transportation System along Power Road in the City of Mesa from University Drive to Baseline Road and Thomas Road to McDowell Road; and along West Camelback Road in the City of Glendale from 91st Avenue to 99th Avenue, MCDOT Project No. T204, AZTech SMART Corridors, Phase III; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. FY 2007-08 expenditures in this agenda are contingent upon the Board approving the recommended FY 2007-08 budget.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

Pursuant to A.R.S. §42-17106 (B), also approve an amendment to the current FY 2006-10 five-year TIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 21, 2006, by decreasing the FY 2006-07 (Year 1), capital budget for Project T216, Pinnacle Peak Road at 83rd and 91st Avenues, by \$240,000 and increasing the FY 2006-07 (Year 1) capital budget for Project T204, AZTech SMART Corridors, Phase III, by \$240,000. This adjustment will result to a county wide net impact of zero. (C6407168500)

**CHANDLER HEIGHTS ROAD BRIDGE AT SONOQUI WASH**

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the solicitation of bids for Chandler Heights Road Bridge at Sonoqui Wash, MCDOT Project No. T114; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. FY 2007-08 expenditures in this agenda item are contingent upon the Board approving the recommended FY 2007-08 budget. (C6407169500)

**APPOINTMENTS**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the following:

- a. Attorney Investigator's Public Safety Personnel Retirement Plan Local Board, Parks and Recreation Park Police Public Safety Personnel Retirement Plan Local Board, Sheriff's Public Safety Personnel Retirement Plan Local Board and the Corrections Officer Retirement Plan Local Board – Appoint Alberto Gutier, as a citizen member, who fill the unexpired terms effective the date of Board approval through December 31, 2009. (C0607058900) (ADM420-001) (ADM3904-001) (ADM3246-001) (ADM3332-001) (ADM3315-001)
- b. Greater Phoenix Economic Council Board of Directors – Appoint George Lee, whose term is effective from Board approval through December 31, 2007. (C0607059900) (ADM4801)

**REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS**

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

No vouchers were presented for approval at this meeting. (ADM3814-003) No staff updates on regional schools operations and finances were presented at this meeting. (ADM3814-005)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

**PUBLIC HEARING SET - PLANNING AND ZONING CASES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for March 21, 2007, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows:

**Z2001013; Z2005049; Z2006054; Z2006166**

**ASRS CLAIMS**

No claims were submitted by the Arizona State Retirement System for this meeting. (ADM3309-001)

**CANVASS OF ELECTIONS**

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to accept the canvasses of elections submitted by special districts for this meeting.

Electrical District No. 5	ADM4468-001
Electrical District No. 6	ADM4469-001

**CLASSIFICATION CHANGES**

No classification changes were submitted by the County Assessor's office for this meeting. (ADM723)

**CHECK ENFORCEMENT FUND QUARTERLY REPORT**

In accordance with A.R.S. §13-1811(F) County Bad Check Trust Fund, motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to accept the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of July 2006 through December 2006. Report is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule. (ADM404-001)

**COMPROMISES**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to accept the requested compromises as payment in full. This item was discussed in Executive Session on January 16, 2007. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM407)

Eric Wertz	\$1,500.00
Sheryl Newman	\$16,500.00

**DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve and ratify

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Lee Anna Johnson	270026467	Expense	\$105.00
Nicole Ann Stern	270029282	Expense	\$100.00
Desert Heat Enterprises LLC	370021283	Expense	\$2,160.00
David H Perez	270021336	Payroll	\$661.78
Gould Intelligent LLC	370024682	Expense	\$700.00

**SCHOOLS**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Kenneth W Olson	Buckeye Elem SD #33	170044098	\$300.14
Audrey Kepp	Littleton Elem SD #65	170057646	\$1,167.95
Anthony Perez	Osborn SD #8	470059666	\$60.00
Nancy Godinez	Tolleson Union High SD #214	170060115	\$373.93
Gust Rosenfeld PLC	Buckeye Elem SD #33	470051306	\$135.00
Esnad Quezada	Isaac SD #5	170056432	\$297.43
Helvia Gonzalez	Isaac SD #5	170056600	\$163.25
Helen Patricia Morris	Treasurer	170153755	\$1,125.87
Thomas Hansen	Buckeye Union High SD #201	170060899	\$80.04
Leonard A Clark	Isaac SD #5	170056585	\$1,025.42
Prathiba Krishnadutt	Isaac SD #5	170056425	\$648.33
Cathy Moya	Isaac SD #5	170056401	\$668.68
BPI Partsmaster	Littleton Elem SD #65	470030825	\$206.64
Pohle NV Center Inc	EVIT #401	470062786	\$1,071.86
Cindy Alexander	Madison Elem SD #38	170046238	\$654.13
Maria Gentiles	Phoenix Elem SD #1	170048036	\$858.53
Childsplay Inc	Alhambra SD #68	470048718	\$2,019.00
Cassie Lozanovski	Paloma Elem SD #94	94511638	\$300.00

**MINUTES**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the minutes of the Board of Supervisors meetings held September 26, 2006, October 2, 2006, October 4, 2006, October 11, 2006, October 18, 2006, October 25, 2006, and November 6, 2006.

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and/or removal of precinct committeemen due to disqualification in accordance with

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**February 7, 2007**

lists dated February 7, 2007, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

**SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

<b>YEAR</b>	<b>FROM</b>	<b>TO</b>	<b>AMOUNT</b>
2000	13144	13144	-\$2,855.28
2003	27585	27594	-\$7,916.68
2004	14267	14287	-\$8,988.82
2005	16859	16923	-\$52,292.30
2006	8471	8511	-\$173,673.78
2005	16924	16934	-\$133,024.00
2006	8133	8470	\$453,896,053.40
2003	27595	27595	-\$106.72
2004	14288	14298	-\$23,916.18
2005	16935	17108	-\$86,428.12
2006	8512	8880	-\$117,096.48

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the settlement of tax cases dated February 7, 2007. (ADM704)

**2001/2002/2003**  
TX2004-000903

**2006/2007**  
TX2005-050296  
**2007**  
ST2006-000026

**STALE DATED WARRANTS**

No warrants were presented for approval at this meeting. (ADM1816)

**TAX ABATEMENTS**

No requests were received from the Treasurer's Office for approval of tax abatements for this meeting. (ADM708)

**AGREEMENT TO ACCEPT FUNDS FOR ARIZONA METH PROJECT**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson, and unanimously carried (3-0-2) to authorize signing an agreement between Maricopa County and the Arizona Attorney General's Office to accept \$750,000 to support the Arizona Meth Project in accordance with Board action taken on January 17, 2007, agenda item (Addendum item A-1) C2007038800. (C2007038801)

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**February 7, 2007**

Supervisor Wilson commended Supervisor Stapley for the work he has done to negotiate an agreement with the State of Arizona that supports and assists with implementation of the Arizona Meth Project. Supervisor Kunasek thanked Attorney General Terry Goddard for the State's participation in this project.

**PUBLIC COMMENT**

No member of the public came forward to comment at this meeting. (ADM605)

**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Stapley commented how happy he is that the County has committed to providing funds to create a larger, more adequate facility devoted to Animal Care and Control, as approved earlier in the meeting. Mr. Stapley explained that this is really a user fee driven project that funds itself without using taxpayer dollars. Supervisor Kunasek commended the community for its commitment to make and keep this a "no kill" County.

Supervisor Wilson commented on a recent football game in Glendale where the crowd responded positively in support of the military. (ADM606)

**PLANNING AND DEVELOPMENT**

Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning Code Enforcement Review. All Board Members, as listed above, remained in session. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**Please note:** The following Code Enforcement Reviews are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support his decision, and whether a procedural error may have occurred. New evidence is not considered at these hearings.

**CODE ENFORCEMENT REVIEW – JERRY CLINGMAN**

Item: Chairman Kunasek called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2005-00719, Jerry Clingman. (ADM3417-042)

Mr. Gerard stated that the Zoning Code Violation was opened in April 2005 and is for construction without zoning clearance. Mr. Gerard said that aerial photos indicate the structures were not present in 1989, but were present in 1999, and Mr. Clingman took ownership of the property in 1986. Mr. Clingman was advised that he needed to obtain as-built building permits for the existing structures after first obtaining approval of a set-back variance, or he could move the structures. The variance was denied in 2005.

Mr. Clingman later acquired a sliver property, which allowed the subject structure to no longer straddle a parcel boundary, but still fails to meet the required 30-foot side set-back. The Code Enforcement Violation was opened in April of 2005. On December 20, 2006 this case went before a hearing officer who found Mr. Clingman responsible, and assessed a base fine of \$300.00 plus \$30.00 per diem to accrue from the date of the first order to comply in May of 2005. As of today, the accrued fines are \$18,210.00. The building is described as a "pole barn" or a carport, and is a structure that is detached from the residence structure.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

Mr. Clingman was asked if he wanted to address the Board. Mr. Clingman stated that the structures have been in existence for more than 20 years, and that all these issues started when he attempted to get a permit to build a garage. Mr. Clingman said that the structure in question is within 5 – 10 feet of being in compliance, and that a structure that had been situated on the southern part of the property was moved in order to comply with the setback requirement.

Supervisor Stapley stated that this situation could have been avoided if Mr. Clingman had obtained the proper permits prior to building any structures. Supervisor Kunasek asked Mr. Gerard if it would be fair to uphold the Hearing Officer's decision but give Mr. Clingman a grace period for him to remove the structure, and then if that's done, to set aside some of the fines. Mr. Gerard said that would be acceptable if Mr. Clingman were to remove the structure. Both Supervisor Wilson and Supervisor Stapley commented that Mr. Clingman had had many opportunities to fix this problem, and that code violations are expensive to the County and the taxpayers.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried, (3-0-2) to uphold the Hearing Officer's decision in this case and the fines, totaling \$18,210.00 as of this date, were affirmed. Fines are still accruing at \$30 per diem until compliance is verified.

**CODE ENFORCEMENT REVIEW – EAGLE ISLAND INVESTMENTS**

Item: Chairman Kunasek called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case Nos. V2005-00678-981-987-988, Eagle Island Investments. This item was previously heard by the Board and was denied by a vote of 5-0 at its September 25, 2006 meeting. (ADM3417-035)

Mr. Gerard stated that this Zoning Code Violation is for grading without an approved grading permit. The Respondent was originally notified of the violation back in May of 2003, a hearing was held in July of 2006, and the Hearing Officer's judgement and fines were upheld at the September 25, 2006 Board meeting. However since then, Mr. Gerard said that new information was obtained that indicates that the work conducted at this site was related to an environmental cleanup on another site, and several capital projects with the Town of Wickenburg. Based on this new information, the issue has been placed on this agenda for re-review.

Mr. Gerard said that his staff met with a representative from Eagle Island Investment and devised a ten-point Plan of Compliance. He said that based on the plan, staff recommends that the base fine of \$300.00 be collected immediately, but that the accruing per diem fines be waived if the Respondent submits a revised as-built grading plan within 60 days that addresses all drainage concerns in order to pass a final drainage inspection within 90 days.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried, (3-0-2) to uphold the Hearing Officer's judgment as modified in the "Plan of Compliance".

**PLANNING AND DEVELOPMENT ITEMS**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

1.     **Z2006-062     District 4**  
      **Applicant:**   Earl, Curley & Lagarde, PC for West Maricopa Combine  
      **Location:**   South of the southwest corner of Beardsley Canal and Olive Avenue (in the west  
                          Glendale/ Surprise area)  
      **Request:**     Special Use Permit (SUP) for a water treatment plant in the Rural-43 RUPD  
                          zoning district (approximately 0.73 acres) – Sonoran Ridge Estates Arsenic  
                          Treatment Facility

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2006-062, subject to the following stipulations “a” through “m”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 6-0.

- a.     Development and use of the site shall comply with the site plan entitled “Special use Permit for Arsenic Treatment Facility at Sonoran Ridge Estates” consisting of one (1) full-size sheets dated November 30, 2006 and stamped received December 8, 2006 except as modified by the following stipulations.
- b.     Development and use of the site shall comply with the narrative report entitled “Special Use Permit (case No. Z2006062) for Sonoran Ridge Estates Arsenic Treatment Facilities for Well Site” consisting of three (3) pages, dated revised November, 2006 and stamped received November 13, 2006 except as modified by the following stipulations.
- c.     Development and use of the site shall comply with the site plan entitled “Elevations” stamped received November 13, 2006 except as modified by the following stipulations.
- d.     All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- e.     Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- f.     All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- g.     Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a ‘will serve’ letter substantiating coverage from the appropriate Fire Department servicing the site.
- h.     The applicant shall submit a written report outlining the status of the development at the end of one (1) year and twenty (20) years from the date of approval by the Board of Supervisors. The status reports shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

- i. This Special Use Permit (SUP) shall expire twenty-five (25) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- j. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- k. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance).
- l. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- m. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "m."

- 2. S2005-051 District 2**  
**Applicant:** Allen Consulting Engineers, Inc.  
**Location:** Northeast corner of Crismon Road and Brown Road (in the east Mesa area)  
**Request:** Final Plat in the R1-35 zoning district for Encanto Este (Approximately 24.09 gross acres)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve this final plat.

**REGULAR AGENDA DETAIL:**

- 3. TA2006-010 All Districts** (adoption by resolution) (Continued from 12-20-06)  
**Applicant:** Commission Initiative  
**Location:** County-wide  
**Request:** Resolution of Record and Text Amendment to adopt the proposed Drainage Policies and Standards Manual for unincorporated Maricopa County

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

**COMMISSION ACTION:** Commissioner Bowers moved to recommend approval of TA2006-010. Commissioner Barney seconded the motion, which passed with a unanimous vote of 8-0.

**ADOPTION OF A DRAINAGE POLICIES AND STANDARDS MANUAL FOR MARICOPA COUNTY**

**WHEREAS**, Arizona Revised Statutes Title 48, Chapter 21 requires the Board of Directors of the Flood Control District (District) to identify flood problems, plan for the construction of facilities, review and regulate proposed developments, issue permits for development within floodprone areas, and promote and protect the health, peace, safety, comfort, convenience and general welfare of the residents within the jurisdictional area of Maricopa County, and to minimize public and private losses due to flood conditions; and,

**WHEREAS**, the District and Maricopa County prepared the new Drainage Policies and Standards for Maricopa County, Arizona to provide guidance and detail on implementation of the Flood Control District of Maricopa County (District) Floodplain Regulations and the Maricopa County (County) Drainage Regulations; and

**WHEREAS**, it is intended that the guidance and detail in the document will assist those preparing drainage studies, plans, design reports, construction drawings and accompanying drainage/floodplain use permit applications to be in accordance with the philosophies, policies and minimum standards contained in the Drainage Policies and Standards for Maricopa County, Arizona and to meet the minimum requirements of the governing regulations; and

**WHEREAS**, Use of the Drainage Policies and Standards for Maricopa County, Arizona will expedite the review, approval and permitting processes and help meet the missions of both the District and Maricopa County to provide permit reviews in the most technically correct and economical way; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the Flood Control District of Maricopa County hereby adopts the Drainage Policies and Standards for Maricopa County, Arizona and recommends its use by all parties submitting drainage and floodplain reports, plans and studies to the District for review and approval; and,

**BE IT FURTHER RESOLVED**, that the Chief Engineer and General Manager of the District is authorized and directed to distribute the Drainage Policies and Standards for Maricopa County, Arizona and recommend its use by the citizens of Maricopa County.

**DATED** this 7<sup>th</sup> day of February 2007.

/s/ Andy Kunasek, Acting Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Mr. Gerard pointed at that this item would also be on the Flood Control District's agenda later on in the month. Supervisor Wilson asked Mr. Gerard if he was comfortable with the changes, and Mr. Gerard responded that he was.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to concur with the recommendation of the Planning Commission for approval of this item by resolution. (Clerk's Note: The Drainage Policies and Standards Manual on file in the Clerk of the Board's office.)

**FORMAL SESSION**  
**February 7, 2007**

4.     **Z2005-031     District 4** (Cont. from 01-02-07) - **CONTINUED**  
      **Applicant:**     CMX, LLC for Maricopa Water District  
      **Location:**     Along Perryville Road from Camelback Road to Bell Road (in the Surprise/west  
                              Glendale area)  
      **Request:**       Rezone from Rural-43 to C-1 CUPD, C-2 CUPD, C-O CUPD, R-2 RUPD, R-4  
                              RUPD, R1-6 RUPD, R1-7 RUPD, R1-8 RUPD, R1-18 RUPD all with a PAD  
                              overlay (approximately 2,665 acres) – Zanjero Trails

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005-31, subject to the following stipulations “a” through “q”. Commissioner Makula seconded the motion, which passed with a majority vote of 5-1, with Commissioner Smith dissenting.

- a.     Development of the site shall comply with the zoning narrative entitled “Zanjero Trails Unit Plan of Development Zone Change Request with PAD Overlay” consisting of a bound document containing sixty-three (63) pages, including all figures and diagrams, dated August 2006 and stamped received October 18, 2006, except as modified by the following stipulations.
- b.     Prior to the submittal of any Preliminary Plat for any portion of the Zanjero Trails project, with the exception of the Phase 1 Preliminary Plat currently being processed under S2005020, the developer shall enter into a Development Agreement with the Maricopa County Department of Transportation. Said Development Agreement shall be consistent with the provisions as outlined in Stipulation “ee.4” of DMP2002005. This agreement shall detail transportation issues, including the timing for construction of the offsite roadway improvements referenced in stipulation “c.6” below. The Preliminary Plat in process under S2005020 shall not be approved until the Development Agreement is executed.
- c.     The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  - 1)     A revised Traffic Impact Statement (TIS) was received May 5, 2006. The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the Development Plan. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT approved TIS.
  - 2)     The applicant shall provide the ultimate full-width of right-of-way for all interior public roadways, consistent with the Maricopa County Major Streets and Routes Plan, or as otherwise approved by MCDOT.
  - 3)     The applicant shall provide the ultimate half-width of right-of-way for all perimeter public roadways, consistent with the Maricopa County Major Streets and Routes Plan, or as otherwise approved by MCDOT.

- 4) The applicant shall construct the ultimate full-width interior public roadways.
- 5) The applicant shall construct the ultimate half-width perimeter public roadways.
- 6) The applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The applicant may choose to construct off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be all weather facilities, must meet County standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT may require a development agreement to detail the specifics of construction, including phasing and timing. If the applicant chooses not to construct off-site regional roadway improvements, the applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
- 7) If required per item #6, a development agreement shall be executed prior to any zoning or preliminary plat approval. The development agreement shall be an enforceable contract, regardless of annexation.
- 8) The applicant shall design all roadways and public infrastructure to meet county standards in effect at the time improvements are constructed.
- 9) The applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
- 10) The applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
- 11) The applicant shall not locate elementary or middle schools on arterial alignments.
- 12) The applicant shall provide an underground conduit system (or comparable technology as approved by MCDOT) within the rights-of-way throughout the development to integrate future traffic signals and ITS uses.
- 13) The applicant shall provide bike lanes on all arterial and major collector alignments. A bicycle circulation plan shall be provided and approved by MCDOT with each phase of development.
- 14) The applicant shall design the project to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.).
- 15) If streetlights are provided, installation shall be provided by the applicant. If streetlights are within public right-of-way, a Street Light Improvement District (SLID) or comparable authority must be established to provide operation and maintenance. The developer should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.

- 16) The applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The developer (or as assigned to the Home Owner's Association) shall be responsible for maintenance of landscaping within public rights-of-way.
  - 17) The applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT prior to commencing construction.
  - 18) The applicant shall comply with all applicable local, state and federal requirements (dust control, AZPDES, etc.).
  - 19) Prior to issuance of any permits for development of the site, the applicant shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- d. Prior to Final Plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any land subsidence or earth fissuring which affect the site and the report shall include suggested mitigation. The Final Plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be prominently displayed in the sales office, in the covenants, conditions and restrictions (CC&Rs), and in any disclosure statements for conveyance documents. However, if said report concludes negative impact regarding land subsidence and/or earth fissuring the required notification can include such results.
  - e. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
  - f. Prior to the approval of the first Final Plat, the developer shall obtain from the Maricopa County Environmental Services Department Approvals to Construct for all required onsite and offsite water and sewer lines.
  - g. Prior to the development or issuance of any building permits for property located within a regulated Floodplain, the developer shall obtain a Floodplain Use Permit from the Regulatory Division of the Maricopa County Flood Control District.
  - h. Prior to the approval of any Final Plat, the developer shall obtain a Certificate of 100-Year Assured Water Supply from the Arizona Department of Water Resources.
  - i. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

mounted or screened from view if in commercial areas. A continuous parapet shall screen all roof-mounted equipment.

- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to Final Plat approval, the developer shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to Final Plat, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- m. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute A.R.S. §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Luke Air Force Base Auxiliary Field 1, located approximately 15 miles to the northwest of Luke Air Force Base is a site of intense instrument procedure landing approaches, with approximately 12,000 flight operations per year. Aircraft will descend down to 200 feet above the ground over the Auxiliary Airfield and will create severe noise in that area.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- n. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- o. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- p. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- q. Property owner and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Bob Carlisle, a citizen, requested to speak on this item. Mr. Carlisle expressed concerns that a developer is intending to build condominiums and office complexes behind his home. He said that he believes that the developer is "doing whatever they want." Mr. Carlisle also expressed dismay that this item has been continued several times.

Supervisor Kunasek disagreed with Mr. Carlisle, saying that the developer would not be dealing with delays if they were able to do whatever they wanted to.

Supervisor Stapley said that it appeared that Mr. Carlisle did not have an understanding of what was in the development plan. He told Mr. Carlisle that Mr. Gerard would be happy to provide a copy of the plan to Mr. Carlisle.

Gerald Knox, a citizen, expressed concerns that an area along Waddell near the Beardsley Canal near his home would be rezoned for commercial use if this project was approved. Supervisor Kunasek asked Mr. Gerard to clarify which areas in the plan would be zoned for commercial use. Mr. Gerard explained that the area that Mr. Knox had referred to was not being zoned for commercial use.

Mr. Knox said that he and his neighbors were all under the understanding that the area in question would be rezoned for commercial use. Supervisor Wilson requested the development company schedule a meeting with the homeowners in the area to explain what was in the plan.

Mr. Gerard pointed out that the project was 8 – 9 miles long, and while there was commercial zoning within the project, there was not any commercial zoning along Waddell. Mr. Gerard said that there commercial use areas within the project, but the closest to the Beardsley Canal would be two miles to the north and two miles to the south.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to continue the above item to the February 21, 2007 Board meeting.

5.     **Z2006-021     District 5 - CONTINUED**  
       **Applicant:**     ARCADIS G&M, Inc. for Estrella 160 LLC.  
       **Location:**     Northeast corner of Tuthill Road and Narramore Road (in the Rainbow Valley area)  
       **Request:**       Rezone from Rural-43 to R1-35 (approximately 160 acres) – Aurora Valley

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of Z2006-021, subject to the following stipulations "a" through "i". Commissioner Makula seconded the motion, which passed with a unanimous vote of 6-0.

- a.     Development of the site shall comply with zoning exhibit, Preliminary Plat, and conceptual landscape plan entitled "Zoning Exhibit for Aurora Valley and Zoning Case Z2006021 and Preliminary Plat Subdivision Case S2006011" consisting of four (4) full-size sheets, dated revised October 19, 2006, and stamped received October 19, 2006, except as modified by the following stipulations.
- b.     Development of the site shall be in conformance with the narrative report entitled "Aurora Valley Narrative for Rezone from Rural-43 to R1-35 and Preliminary Plat", consisting of thirty-seven (37) pages, dated revised October 19, 2006, stamped received October 19, 2006, except as modified by the following stipulations.
- c.     The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  - Provide a total half-width of 65' right-of-way on Tuthill Road and Narramore Road.
  - The applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per dwelling unit. The applicant may choose to construct off-site street improvements in lieu of payment of this contribution. An area study shall be provided to determine the regional transportation needs and the appropriate contribution. Roadways shall meet County standards in effect at the time they are improved. If the applicant chooses not to construct off-site regional roadway improvements, the applicant shall pay the contribution amount at the time individual building permit are issued, or per an alternate agreement as approved by MCDOT.
  - Provide all-weather access to subdivision.
  - Any landscaping in County right-of-way must meet Chapter 9 (Roadway Design Manual).
- d.     All trees shall be double-staked when installed.
- e.     A continuous parapet shall screen all roof-mounted equipment.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground mounted.
- g. All interior streets within the proposed development are to be constructed to minimum County standards.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- k. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- l. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to continue the above item to the March 21, 2007 Board meeting.

- 6. Z2006-088 District 5**  
**Applicant:** Beus Gilbert, PLLC for Fonterra Village, LLC  
**Location:** South of Camelback Road and east of 411th Avenue (in the Tonopah area)  
**Request:** Special Use Permit (SUP) for a water storage and treatment facility in the Rural-43 zoning district (approximately 6.6 acres) – Balterra WTF

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2006-088, subject to the following stipulations “a” through “t”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled “Site Plan for Special Use Permit Balterra Water Supply Facility”, consisting of one (1) full-size sheet, dated October 2006 and stamped received October 18, 2006, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial compliance with the project narrative entitled, “Narrative Report for Special Use Application Submittal Balterra Water

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

Supply Facility”, consisting of four (4) pages, dated October 11, 2006 and stamped received October 18, 2006, except as modified by the following stipulations.

- c. Development of the site shall be in substantial conformance with the landscape plan entitled “Balterra Water Supply Facility Preliminary Landscape Plan”, consisting of two (2) sheets, dated October 2006, and stamped received October 18, 2006, except as modified by the following stipulations.
- d. Prior to zoning clearance, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.
- e. The site shall be equipped with no less than four (4) standard parking spaces and one (1) handicap-accessible parking space. Said spaces shall meet the standards as outlined in Section 1102 of the MCZO and shall be clearly marked with dimensions shown.
- f. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  - i. Prior to zoning clearance, the developer shall provide a total half-width right-of-way of 65’ with an additional 35’ roadway easement along Camelback Road adjacent to the site.
  - ii. Prior to zoning clearance, the developer shall provide a total half-width right-of-way of 40’ along 407th Avenue adjacent to the site.
  - iii. Prior to zoning clearance, the developer shall bond for ultimate improvements (paving, curb, gutter & sidewalk) for perimeter roads.
  - iv. Prior to Final Certificate of Occupancy, the site shall be served by paved access to county roadway.
  - v. The site plan shall indicate the dimensions for parking spaces.
  - vi. Any landscaping in county right-of-way must meet Chapter 9 of the Maricopa County Roadway Design Manual.
  - vii. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- g. Approval of this Special Use Permit does not constitute legal authority to construct the facility. The developer shall obtain the necessary Approval to Construct from the Maricopa County Environmental Services Department prior to zoning clearance.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

- h. Prior to building permit issuance, the developer shall obtain drainage clearance from the Drainage Review Division of the Maricopa County Planning and Development Department.
- i. Prior to zoning clearance or drainage clearance, the developer shall obtain a floodplain use permit from the Flood Control District of Maricopa County.
- j. All trees shall be double-staked when installed.
- k. A continuous parapet shall screen all roof-mounted equipment.
- l. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- m. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- n. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the Tonopah Valley Fire District. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the Fire District, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- o. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- p. The applicant shall submit a written report outlining the status of the development at the end of five (5) years and 20 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- q. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- r. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- s. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

- t. Property owners and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Mr. Gerard gave background on items 6 & 7, and stated that he wanted to present them together. Mr. Gerard explained that these items would have been on the Consent Agenda because there was no opposition, except that the Commission extended the Special Use Permit time frame to 25 years.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "t."

- 7. **Z2006-089 District 5**  
**Applicant:** Beus Gilbert, PLLC for Fonterra Village, LLC  
**Location:** West of 395th Avenue and north of Indian School Road (in the Tonopah area)  
**Request:** Special Use Permit (SUP) for a wastewater treatment facility in the Rural-43 zoning district (approximately 15 acres) – Balterra WWTF

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2006-089, subject to the following stipulations "a" through "v". Commissioner Makula seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled "Site Plan for Special Use Permit Balterra Wastewater Treatment Facility", consisting of two (2) full-size sheets, dated December 2006 and stamped received December 21, 2006, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial compliance with the project narrative entitled, "Narrative Report for Special Use Application Submittal Balterra Wastewater Treatment Facility", consisting of four (4) pages, dated October 11, 2006 and stamped received October 18, 2006, except as modified by the following stipulations.
- c. Development of the site shall be in substantial conformance with the landscape plan entitled "Balterra Wastewater Supply Facility Preliminary Landscape Plan", consisting of two (2) sheets, dated October 2006, and stamped received October 18, 2006, except as modified by the following stipulations.
- d. Prior to zoning clearance, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.
- e. Prior to development of any adjacent parcels, the master developer shall be responsible for the installation of the off-site screening and landscaping in accordance with the preliminary landscape plans approved with this request.

- f. The site shall be equipped with no less than four (4) standard parking spaces and one (1) handicap-accessible parking space. Said spaces shall meet the standards as outlined in Section 1102 of the MCZO and shall be clearly marked with dimensions shown.
- g. Prior to site development, the applicant shall take all necessary precautions including, but not limited to potholing the site to determine the exact location of the fiber optics cable that bisects the site. All construction documents prepared in conjunction with the site development shall reference this cable. The developer or developer's contractors shall carry an insurance rider in an amount necessary to cover the monetary losses incurred should the cable be damaged during cable location, site construction, or cable relocation. Should the cable need to be relocated to the public right-of-way, the developer shall coordinate closely with the appropriate transportation department (MCDOT or ADOT). Maricopa County shall not be responsible for any damage to the fiber optics cable or the monetary losses incurred from that damage.
- h. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  - i. Prior to zoning clearance, the developer shall provide a total full-width right-of-way of 80' along 407th Avenue adjacent to the site.
  - ii. Prior to zoning clearance, the developer shall coordinate with the Arizona Department of Transportation (ADOT) regarding the access to Indian School Road and shall comply with ADOT's requirements regarding said access.
  - iii. Prior to zoning clearance, the developer shall coordinate with the Arizona Department of Transportation (ADOT) regarding any improvements and right-of-way requirements for Indian School Road and shall comply with ADOT's requirements regarding said improvements.
  - iv. The site plan shall indicate the dimensions for parking spaces.
  - v. With a proposed 28,000 vehicles per day anticipated on Indian School Road, MCDOT Planning recommends a minimum of 130' right-of-way for Indian School Road. MCDOT will consider re-evaluating this requirement after corrected or combined Traffic Impact Study.
- i. Approval of this Special Use Permit does not constitute legal authority to construct the facility. The developer shall obtain the necessary Approval to Construct from the Maricopa County Environmental Services Department prior to zoning clearance.
- j. Prior to building permit issuance, the developer shall obtain drainage clearance from the Drainage Review Division of the Maricopa County Planning and Development Department.
- k. Prior to zoning clearance or drainage clearance, the developer shall obtain a floodplain use permit from the Flood Control District of Maricopa County.
- l. All trees shall be double-staked when installed.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

- m. A continuous parapet shall screen all roof-mounted equipment.
- n. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- o. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- p. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the Tonopah Valley Fire District. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the Fire District, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- q. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- r. The applicant shall submit a written report outlining the status of the development at the end of five (5) years and 20 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- s. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- t. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- u. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- v. Property owners and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

**FORMAL SESSION**  
**February 7, 2007**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "v."

- 8.      Z2006-103      District 4**  
**Applicant:**      Layne Christensen Company for Arizona Water Company  
**Location:**      Southeast corner of 194th Avenue and Monte Vista Drive (in the Buckeye area)  
**Request:**      Special Use Permit (SUP) for a water treatment plant in the Rural-43 zoning district (approximately 0.19 acres) – White Tank Wells 2, 4 & 8

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2006-103, subject to the following stipulations "a" through "n". Commissioner Makula seconded the motion, which passed with a unanimous vote of 6-0.

- a.      Development and use of the site shall comply with the site plan entitled "Arizona Water Company White Tank Wells 2, 4 & 8 arsenic Treatment Project" consisting of one (1) full-size sheet dated revised December 6, 2006 and stamped received December 8, 2006 except as modified by the following stipulations.
- b.      Development and use of the site shall comply with the narrative report entitled "Special Use Permit Application Narrative Report For Arsenic Treatment Addition" consisting of seven (7) pages, dated revised December, 2006 and stamped received December 8, 2006 except as modified by the following stipulations.
- c.      The following Maricopa County Environmental Services (MCESD) stipulations shall be met:
  - All of the stipulations noted in the initial Conditional ATC or the eventual final ATC must be followed.
- d.      All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- e.      Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- f.      All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- g.      Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- h.      Within one (1) year from the date of approval by the Board of Supervisors, the applicant shall demonstrate via written documentation that the two subject Assessor parcels 502-67-018 and 502-67-009B have been combined.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

- i. The applicant shall submit a written report outlining the status of the development at the end of one (1) year and 20 years from the date of approval by the Board of Supervisors. The status reports shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- j. This Special Use Permit (SUP) shall expire twenty (25) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- k. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance).
- m. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- n. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard reported on the background of this Special Use Permit and said that there is no opposition. Mr. Gerard said that the time frame on this Special Use Permit would also be extended to 25 years and the recommendation is for approval.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "n."

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
/s/ Andrew Kunasek, Acting Chairman of the Board

ATTEST:

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 7, 2007**

---

/s/ Fran McCarroll, Clerk of the Board